

**FIRST DAY - JANUARY 9, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 9, 2019

**PRAYER**

The prayer was offered by Senator Kolterman.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Sixth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2019, and was called to order by President Foley.

The roll was called and the following members were present:

Albrecht, Joni	Gragert, Tim	Lowe, John S.
Arch, John	Groene, Michael	McCollister, John S.
Blood, Carol	Halloran, Steve	McDonnell, Mike
Bolz, Kate	Hansen, Ben	Morfeld, Adam
Bostelman, Bruce	Hansen, Matt	Moser, Mike
Brandt, Tom	Hilgers, Mike	Murman, Dave
Brewer, Tom	Hilkemann, Robert	Pansing Brooks, Patty
Briese, Tom	Howard, Sara	Quick, Dan
Cavanaugh, Machaela	Hughes, Dan	Scheer, Jim
Chambers, Ernie	Hunt, Megan	Slama, Julie
Clements, Robert	Kolowski, Rick	Stinner, John P.
Crawford, Sue	Kolterman, Mark A.	Vargas, Tony
DeBoer, Wendy	La Grone, Andrew	Walz, Lynne
Dorn, Myron	Lathrop, Steve	Wayne, Justin
Erdman, Steve	Lindstrom, Brett	Williams, Matt
Friesen, Curt	Linehan, Lou Ann	Wishart, Anna
Geist, Suzanne		

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Stinner moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Jim Doggett as temporary Sergeant at Arms.

The motion prevailed.

**RESIGNATION**

July 6, 2018

The Honorable Pete Ricketts  
Governor of Nebraska  
Executive Suite  
State Capitol  
Lincoln, NE 68509

Dear Governor Ricketts,

With this letter, I tender my resignation as state senator in the Nebraska Legislature, effective July 9, 2018, ending my term in office roughly six months ahead of the scheduled conclusion.

It has been a privilege to serve the great State of Nebraska the past eight years and I will forever be grateful to the people of Legislative District 14 for their trust and support.

Warmest Regards,  
(Signed) Jim Smith

**MESSAGE(S) FROM THE GOVERNOR**

July 9, 2018

Senator Jim Smith  
District 14  
State Capitol  
Lincoln, NE 68509

Dear Senator Smith,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your July 9, 2018, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 14 effective July 9, 2018.

Sincerely,  
(Signed) Pete Ricketts

Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature  
Speaker Jim Scheer, Speaker of the Nebraska Legislature

**RESIGNATION**

December 26, 2018

Governor Ricketts,

As of 11:59 p.m. on December 26, 2018, I will be resigning as a member of the Nebraska Legislature.

It has been an honor to represent the people of the 40th Legislative District for the last 8 years. Having the opportunity to serve this great state at such a young age was a humbling experience and one that I will carry with me for the rest of my life.

I would like to thank you for your excellent leadership of the state of Nebraska, and people of the 40th district for instilling their trust in me for the last 8 years.

Sincerely,  
(Signed) Tyson Larson

**MESSAGE(S) FROM THE GOVERNOR**

January 3, 2019

Senator Tyson Larson  
District 40  
49487 883rd Road  
O'Neill, NE 68763

Dear Senator Larson,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your December 26, 2018, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 40 effective December 27, 2018.

Sincerely,  
(Signed) Pete Ricketts  
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature  
Speaker Jim Scheer, Speaker of the Nebraska Legislature

**RESIGNATION**

January 3, 2019

Governor Pete Ricketts  
Nebraska State Capitol  
1445 K Street, Lincoln, NE 68508

Dear Governor Ricketts,

It has been an honor and a privilege to serve the people of Gretna and Sarpy County as State Senator since 2013. I thank my constituents for the confidence in allowing me to represent them.

At the November 6, 2018, General Election, the people of Nebraska elected me to serve as State Treasurer. Accordingly, I resign the office of State Senator for the 49th Legislative District effective at 9:00 a.m. on Wednesday, January 9th, 2019.

Sincerely,  
(Signed) John Murante

**MESSAGE(S) FROM THE GOVERNOR**

January 3, 2019

Senator John Murante  
District 49  
11814 South 211th Street  
Gretna, NE 68028

Dear Senator Murante,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 3, 2019, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 49 effective January 9, 2019, at 9:00 a.m.

Sincerely,  
(Signed) Pete Ricketts  
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature  
Speaker Jim Scheer, Speaker of the Nebraska Legislature

**MESSAGE(S) FROM THE GOVERNOR**

December 17, 2018

Andrew T. La Grone  
20276 Glenmore Drive, #1  
Gretna, NE 68028

Dear Mr. La Grone:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 49 effective January 9, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Andrew T. La Grone as a member of the Nebraska Legislature - District 49.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 9, 2019, and continue until January 5, 2021, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts  
Governor

(Signed) John A. Gale  
Secretary of State

**RESIGNATION**

January 8, 2019

Governor Pete Ricketts  
State Capitol  
P.O. Box 94848  
Lincoln, NE 68509

Dear Governor Ricketts:

With my election to the Public Service Commission this past November, I am submitting my resignation as a member of the Legislature from the 1st Legislative District, effective January 8, 2019, at 11:59 p.m. It has been a pleasure to serve my state and community in this capacity for the past six years. I look forward to continuing my service to our state as a Public Service Commissioner.

Respectfully,  
(Signed) Dan Watermeier, Senator  
District #1

cc: Patrick O'Donnell, Clerk of the Legislature  
Senator Jim Scheer, Speaker of the Legislature

**MESSAGE(S) FROM THE GOVERNOR**

January 8, 2019

Senator Dan Watermeier  
District 1  
2529 J Road  
Syracuse, NE 68446

Dear Senator Watermeier,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 8, 2019, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 1 effective January 8, 2019, at 11:59 p.m.

Sincerely,  
(Signed) Pete Ricketts  
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature  
Speaker Jim Scheer, Speaker of the Nebraska Legislature

**MESSAGE(S) FROM THE GOVERNOR**

December 26, 2018

Julie Slama  
73424 645a Avenue  
Peru, NE 68421

Dear Ms. Slama:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 1 effective January 9, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Julie Slama as a member of the Nebraska Legislature - District 1.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 9, 2019, and continue until January 5, 2021, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts  
Governor

(Signed) John A. Gale  
Secretary of State

**MOTION - Committee on Credentials**

Senator Linehan moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the



11	Ernie Chambers	November 8, 2016
12	Steve Lathrop	November 6, 2018
13	Justin Wayne	November 8, 2016
14	John Arch	November 6, 2018
15	Lynne M. Walz	November 8, 2016
16	Ben Hansen	November 6, 2018
17	Joni Albrecht	November 8, 2016
18	Brett Lindstrom	November 6, 2018
19	Jim Scheer	November 8, 2016
20	John S. McCollister	November 6, 2018
21	Mike Hilgers	November 8, 2016
22	Mike Moser	November 6, 2018
23	Bruce Bostelman	November 8, 2016
24	Mark A. Kolterman	November 6, 2018
25	Suzanne Geist	November 8, 2016
26	Matt Hansen	November 6, 2018
27	Anna Wishart	November 8, 2016
28	Patty Pansing Brooks	November 6, 2018
29	Kate Bolz	November 8, 2016
30	Myron Dorn	November 6, 2018
31	Rick Kolowski	November 8, 2016
32	Tom Brandt	November 6, 2018
33	Steve Halloran	November 8, 2016
34	Curt Friesen	November 6, 2018
35	Dan Quick	November 8, 2016
36	Matt Williams	November 6, 2018
37	John S. Lowe Sr.	November 8, 2016
38	Dave Murman	November 6, 2018
39	Lou Ann Linehan	November 8, 2016
40	Tim Gragert	November 6, 2018
41	Tom Briese	November 8, 2016
42	Michael Groene	November 6, 2018
43	Tom Brewer	November 8, 2016
44	Dan Hughes	November 6, 2018
45	Sue Crawford	November 8, 2016
46	Adam Morfeld	November 6, 2018
47	Steve Erdman	November 8, 2016
48	John P. Stinner Sr.	November 6, 2018
49	Andrew La Grone - Appointed	January 9, 2019

#### **MOTION - Credentials Committee Report**

Senator Bolz moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.



**MOTION - Election of Officers**

Senator Scheer moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Sixth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Jim Doggett

The motion prevailed.

**MOTION - Election of Speaker**

Senator Hughes moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Scheer placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Scheer.

The motion prevailed.

Senator Scheer was duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

Senator Quick moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Pansing Brooks, Williams, Lindstrom, Halloran, and Walz to serve on said committee.

**OFFICERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
) ss.  
LANCASTER COUNTY )

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Speaker  
 Clerk of the Legislature  
 Assistant Clerk of the Legislature  
 Sergeant at Arms

Jim Scheer  
 Patrick J. O'Donnell  
 Richard K. Brown  
 Jim Doggett

The committee escorted the Chief Justice from the Chamber.

**MOTION - Chairperson of Committee on Committees**

Senator Bostelman moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Hilkemann placed his name in nomination.

Senator Erdman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Morfeld, Lowe, and Linehan as tellers.

Senator Hilkemann	31
Senator Erdman	<u>18</u>
	49

Senator Hilkemann was duly elected Chairperson of the Committee on Committees.

**MOTION - Committee on Committees Members**

Senator Morfeld moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Morfeld, Pansing Brooks, Hilgers, and Bostelman were nominated from District 1.

Senators Vargas, Lathrop, Howard, and Lindstrom were nominated from District 2.

Senators Friesen, Groene, Erdman, and Murman were nominated from District 3.

Senator Howard moved the approval of the nominees to the Committee on

Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator McCollister moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Bolz placed her name in nomination.

Senator Hilgers placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Clements, McDonnell, and Friesen as tellers.

Senator Bolz	23
Senator Hilgers	<u>26</u>
	49

Senator Hilgers was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Brewer moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Geist placed her name in nomination.

Senator Vargas placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators DeBoer, Arch, and Lathrop as tellers.

Senator Geist	23
Senator Vargas	<u>26</u>
	49

Senator Vargas was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Walz moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Bolz and Kolterman were nominated from District 1.

Senators Chambers and McCollister were nominated from District 2.

Senators Hughes and Lowe were nominated from District 3.

Senator Kolowski moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Vargas moved to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Agriculture**

Senator Halloran placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Halloran.

The motion prevailed.

Senator Halloran was duly elected Chairperson of the Agriculture Committee.

**CHAIRPERSON - Appropriations**

Senator Stinner placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stinner.

The motion prevailed.

Senator Stinner was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Williams placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Williams.

The motion prevailed.

Senator Williams was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Albrecht placed her name in nomination.

Senator M. Hansen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dorn, Blood, and Hughes as tellers.

Senator Albrecht	24
Senator M. Hansen	<u>25</u>
	49

Senator M. Hansen was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Groene placed his name in nomination.

Senator Kolowski placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Moser, Quick, and La Grone as tellers.

Senator Groene	24
Senator Kolowski	<u>21</u>
	45

The Chair announced that a second ballot would be cast between Senator Groene and Senator Kolowski.

The Chair appointed Senators Moser, Quick, and La Grone as tellers.

Senator Groene	26
Senator Kolowski	<u>20</u>
	46

Senator Groene was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Briese placed his name in nomination.

Senator Blood placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Chambers, Slama, and B. Hansen as tellers.

Senator Briese	29
Senator Blood	<u>20</u>
	49

Senator Briese was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brewer.

The motion prevailed.

Senator Brewer was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Howard placed her name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Howard.

The motion prevailed.

Senator Howard was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Lathrop placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lathrop.

The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Hughes placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hughes.

The motion prevailed.

Senator Hughes was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kolterman.

The motion prevailed.

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Lindstrom placed his name in nomination.

Senator Linehan placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Cavanaugh, Murman, and Gragert as tellers.

Senator Lindstrom	23
Senator Linehan	<u>26</u>
	49

Senator Linehan was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Friesen placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friesen.

The motion prevailed.

Senator Friesen was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Wayne placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wayne.

The motion prevailed.

Senator Wayne was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Briese moved to proceed to the election of the special and select committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Rules

Senator Crawford placed her name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Crawford.

The motion prevailed.

Senator Crawford was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Wishart nominated Senator Slama.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Slama.

The motion prevailed.

Senator Slama was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Lowe moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2018.

The motion prevailed.

The Chair appointed Senators Bolz, Lowe, and Brewer to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 9, 2019

Speaker of the Legislature  
One Hundred Sixth Legislature, First Session (Regular) 2019  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 6, 2018, for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education. These votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2016 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to one Initiative Measure is on file in this office. A certification of these returns is also attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,  
(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, ) ss. Secretary of State  
State of Nebraska ) State Capitol  
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education, receiving the highest number of votes at the General Election in the State of Nebraska held on November 6, 2018.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 9, 2019.

(SEAL) (Signed) John A. Gale  
Secretary of State

- Governor - Pete Ricketts
- Lieutenant Governor - Mike Foley
- Secretary of State - Robert B. Evtan
- Auditor of Public Accounts - Charlie Janssen
- State Treasurer - John Murante
- Attorney General - Doug Peterson
- Public Service Commission, District 1 - Dan Watermeier
- Public Service Commission, District 3 - Tim Schram
- Board of Regents of the University of Nebraska, District 3 - John Pillen
- Board of Regents of the University of Nebraska, District 4 - Elizabeth O'Connor
- Board of Regents of the University of Nebraska, District 5 - Rob Schafer
- Board of Regents of the University of Nebraska District 8 - Barbara Weitz
- State Board of Education, District 5 - Patricia H. Timm
- State Board of Education, District 6 - Maureen Nickels
- State Board of Education, District 7 - Robin R. Stevens
- State Board of Education, District 8 - Deborah Neary

**CERTIFICATE**

State of Nebraska

United States of America, ) ss.  
 State of Nebraska )

Secretary of State  
 State Capitol  
 Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Statutory Measure proposed by the Initiative Process showing the number of votes cast for and against at the General Election held on November 6, 2018.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 9, 2019.

(SEAL)

(Signed) John A. Gale  
 Secretary of State

2018 General Election  
 Initiative Measure 427

A statutory initiative measure to provide that the state shall amend its Medicaid state plan to expand eligibility for medical assistance to cover certain adults ages 19 through 64 whose incomes are one hundred thirty-eight percent (138%) of the federal poverty level or below as defined by federal law, and to maximize federal financial participation to fund their care.

For	356,891
Against	309,533

The Secretary of State was escorted from the Chamber.

Senator Kolterman moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

**MOTION - Inaugural Ceremonies**

Senator Blood moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 10, 2019, at 1:30 p.m.

The motion prevailed.

**VISITOR(S)**

The Doctor of the Day was Dr. Mark Jones from Lincoln.

**ADJOURNMENT**

At 1:25 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SECOND DAY - JANUARY 10, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 10, 2019

**PRAYER**

The prayer was offered by Dr. Jane Florence, Saint Paul United Methodist Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCollister who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Crawford moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day, January 25, 2019.

The motion prevailed.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Hilkemann offered the following Committee on Committees report:

Agriculture (8)

Rm. 1524 - Tuesday

Halloran (C), Albrecht, Blood, Chambers, Hansen, B., Lathrop, Moser, Slama

Appropriations (9)

Rm. 1003 - Monday, Tuesday, Wednesday, Thursday, & Friday

Stinner (C), Bolz, Clements, Dorn, Erdman, Hilkemann, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday &amp; Tuesday

Williams (C), Gragert, Howard, Kolterman, La Grone, Lindstrom, McCollister, Quick

Business and Labor (7)

Rm. 1524 - Monday

Hansen, M. (C), Chambers, Crawford, Halloran, Hansen, B., Lathrop, Slama

Education (8)

Rm. 1525 - Monday &amp; Tuesday

Groene (C), Brewer, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

General Affairs (8)

Rm. 1510 - Monday

Briese (C), Albrecht, Arch, Blood, Hunt, Lowe, Moser, Wayne

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, &amp; Friday

Brewer (C), Blood, Gragert, Hansen, M., Hilgers, Hunt, Kolowski, Lowe

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, &amp; Friday

Howard (C), Arch, Cavanaugh, Hansen, B., Murman, Walz, Williams

Judiciary (8)

Warner Chamber - Wednesday, Thursday, &amp; Friday

Lathrop (C), Brandt, Chambers, DeBoer, Morfeld, Pansing Brooks, Slama, Wayne

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, &amp; Friday

Hughes (C), Albrecht, Bostelman, Geist, Halloran, La Grone, Moser, Quick

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)

Rm. 1524 - Wednesday, Thursday, &amp; Friday

Linehan (C), Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, McCollister

Transportation and Telecommunications (8)

Warner Chamber - Monday &amp; Tuesday

Friesen (C), Bostelman, Brandt, Cavanaugh, DeBoer, Geist, Hilgers, Hughes

Urban Affairs (7)

Rm. 1510 - Tuesday

Wayne (C), Arch, Briese, Crawford, Hansen, M., Hunt, Lowe

Committee on Committees (13)

Hilkemann (C)

District 1:	District 2:	District 3:
Bostelman	Howard	Erdman
Hilgers	Lathrop	Friesen
Pansing Brooks	Lindstrom	Groene
Morfeld	Vargas	Murman

Enrollment and Review (1)

Slama (C)

Reference (9)

Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)

Crawford (C), Erdman, Howard, Hansen, M., Lathrop, Scheer (ex officio)

Executive Board of the Legislative Council (9)

Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

**ANNOUNCEMENT(S)**

The Committee on Committees elected Senator Morfeld as Vice Chairperson.

**MESSAGE(S) FROM THE GOVERNOR**

April 19, 2018

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

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

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

Jeffrey Nellhaus, 4017 48th Street, Washington, DC 20016  
Robert Henson, 4330 Aldemy Circle, High Point, NC 27265

Also, contingent upon your approval, the following individual is being

reappointed to the Technical Advisory Committee for Statewide Assessment:

Linda Poole, 5054 South 171 Avenue, Omaha, NE 68135

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 19, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Niobrara Council:

Mary L. Mercure, 208 E. 6th Street, Valentine, NE 69201

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 19, 2018

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

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

Contingent upon your approval, the following individuals are being reappointed to the Board of Emergency Medical Services:

Carl Rennerfeldt, 601 North 24th Street, Blair, NE 68008  
Randy Boldt, 1804 South 190th Street, Omaha, NE 68130  
Dr. John Bonta, 6000 South 98th Street, Lincoln, NE 68526  
Karen Bowlin, 400 Road West 30, Ogallala, NE 69153  
Ann Fiala, 132 North Walnut Street, Ainsworth, NE 69210  
Michael Miller, EdD, RN, NRP, 18427 Cinnamon Street, Omaha NE 68135

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 19, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Rural Health Advisory Commission:

Cherlyn Hunt, 431 East Calkins Avenue, Elm Creek, NE 68836

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 19, 2018

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

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

Contingent upon your approval, the following individual is being appointed

to the Nebraska Arts Council:

Joyce Hasselbalch, 3520 S. 76 Street, Lincoln, NE 68506

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 19, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparation Committee:

Shawn Eatherton, 3207 Avenue K, Kearney, NE 68847

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 31, 2018

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

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

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

Todd Zohner, 82998 562 Avenue, Stanton, NE 68779

Jeffrey Bomberger, 8631 Lavender Circle, Lincoln, NE 68505

Contingent upon your approval, the following individual is being reappointed to the Nebraska Commission on Problem Gambling:

Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 7, 2018

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Donald P. Batie, 43590 Road 761, Lexington, NE 68850  
Mark Czuplewski, 2747 Lakewood Drive, Grand Island, NE 68801  
Don Kraus, 2019 Spalding Drive, Holdrege, NE 68949  
Lindsey Smith, 941 North 10th Avenue, Broken Bow, NE 68822  
Walter Dennis Strauch, 50189 Hilyard Drive, Mitchell, NE 69357  
Loren Taylor, 1119 South 3rd Avenue, Broken Bow, NE 68822

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 27, 2018

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

Lincoln, NE 68509

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

Contingent upon your approval, the following individuals are being reappointed to the Crime Victim's Reparation Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516  
Thomas Parker, 2695 Ponder Place, Gering, NE 69341

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 27, 2018

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

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

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

John Heaston, 6742 Crooked Creek Drive, Lincoln, NE 68516

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 27, 2018

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

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

Contingent upon your approval, the following individual is being reappointed to the Nebraska Ethanol Board:

Bradley B. Bird, 12018 County Road P30, Blair, NE 68008

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 27, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Allen Simpson, 2401 Ryons Street, Lincoln, NE 68502

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 27, 2018

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

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

Contingent upon your approval, the following individual is being appointed

to the Climate Assessment Response Committee:

Bryan Tuma, Nebraska Emergency Management Agency, 2433 NW 24th Street, Lincoln, NE 68524

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 21, 2018

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

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

Contingent upon your approval, the following individual is being reappointed to the Nebraska Ethanol Board:

Michael S. Thede, 327 R Road, Palmer, NE 68864

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 26, 2018

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

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

Contingent upon your approval, the following individual is being appointed as the Nebraska State Fire Marshal – Nebraska State Fire Marshal's Office:

Christopher Cantrell, 5415 W. Chancery Road, Lincoln, NE 68521

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 26, 2018

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

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

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

Gail Werner-Robertson, 1215 North 136th Street, Omaha, NE 68154

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 21, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska State Electrical Board:

Mike Hunsberger, 44175 Drive 796, Broken Bow, NE 68822

Also, contingent upon your approval, the following individual is being

reappointed to the Nebraska State Electrical Board:

George Morrissey, PE, LEED, AP, ATD, 3333 North 140th Street, Omaha,  
NE 68164

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 21, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Niobrara Council:

Lana S. Arrowsmith, 305 Backendorf, Bassett, NE 68714

Also, contingent upon your approval, the following individuals are being reappointed to the Niobrara Council:

Jason D. Appelt, 43043 Gobblers Roost Road, Ainsworth, NE 69210  
Bradley A. Arrowsmith, 89067 Doc Middleton Drive, Bassett, NE 68714  
Dallas D. Dodson, 89542 State Highway 97, Valentine, NE 69201  
Dustin Hoefs, 90870 396th Avenue, Valentine, NE 69201  
Mary L. Mercure, 208 East 6th Street, Valentine, NE 69201  
Richard S. Mercure, 510 North Haley Street, Valentine, NE 69201

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 21, 2018

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

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

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Walter Seiler, 1208 Laramie Avenue, Alliance, NE 69301  
Amy Haddad, 9605 Oak Circle, Omaha, NE 68124  
Sarah Peetz, 940 Piedmont Road, Lincoln, NE 68510

Also, contingent upon your approval, the following individual is being reappointed to the Nebraska Arts Council:

Joyce Hasselbalch, 3520 South 76th Street, Lincoln, NE 68506

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 21, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Rural Health Advisory Commission:

Lynette Kramer, M.D., 2612 Hillview Drive, Albion, NE 68620

Also, contingent upon your approval, the following individuals are being reappointed to the Rural Health Advisory Commission:

Kyle Klammer, M.D., 707 Lemay Drive, Bellevue, NE 68005  
Cherlyn Hunt, 431 East Calkins Avenue, Elm Creek, NE 68836

Laeth Nasir, MBBS (M.D.), 1865 South 110 Street, Omaha, NE 68144  
Michael Allen Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68114  
Rebecca A. Schroeder, Ph.D., 212 W. 9 Street, Curtis, NE 69025  
Roger D. Wells, PA-C, 1518 Jay Street, St. Paul, NE 68873

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 26, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Board of Parole:

Robert W. Twiss, 433 Sherwood Drive, Gretna, NE 68028

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 27, 2018

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Administrative Services:

Jason Jackson, 3640 Potomac, Lincoln, NE 68516

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**COMMUNICATION(S)**

August 6, 2018

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol  
P.O. Box 94604  
Lincoln, NE 68509

Mr. O'Donnell:

This letter is to inform you that as of May 17, 2018, I was elected to be the Chairman of the Chief Standing Bear National Statuary Hall Selection Committee (LB807). This Committee was formed from the passage of LB807 during the 2018 Legislative Session.

If you need any other information, please feel free to contact me or my staff. Thank you.

Sincerely,  
(Signed) Senator Tom Brewer  
Nebraska Legislature  
District 43

TB/jc

**COMMUNICATION(S)**

Received a copy of Senate Concurrent Resolution No. 40 from the state of Missouri relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

**ATTORNEY GENERAL'S OPINIONS**Opinion 18-004

SUBJECT:            Constitutionality of Refundable Income Tax Credits  
                      in Proposed Constitutional Amendment.

REQUESTED BY:    Senator Steve Erdman  
                      Nebraska Legislature

WRITTEN BY:       Douglas J. Peterson, Attorney General  
                      L. Jay Bartel, Assistant Attorney General

**INTRODUCTION**

You have requested our opinion concerning the constitutionality of a legislative resolution proposing to amend the Nebraska Constitution by adding a new section providing a refundable Nebraska income tax credit in the amount of thirty-five percent of property taxes paid by the taxpayer during the taxable year. The credit would be available for taxable years beginning on or after January 1, 2021. You ask us to address two questions regarding the constitutionality of the proposed constitutional amendment: (1) Does the proposal violate the dormant Commerce Clause?; and (2) Does the proposal discriminate against non-resident Nebraska property taxpayers?

**ANALYSIS****A. Commerce Clause.**

Recently, we addressed whether legislation proposing an income tax credit based on a percentage of property taxes paid during the taxable year violated the Commerce Clause. Op. Att'y Gen. No. 18-001 (March 21, 2018). We summarized the Commerce Clause principles relevant to analyzing the constitutionality of such legislation as follows:

The Commerce Clause authorizes Congress to "regulate Commerce. . . among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles in commerce." *Oregon Waste Systems, Inc. v. Dep't of Environmental Quality*, 511 U.S. 93, 98 (1994) [*Oregon Waste Systems*"]. This "negative command, known as the dormant Commerce

Clause, prohibit[s] certain state taxation even when Congress has failed to legislate on the subject." *Oklahoma Tax Comm'n v. Jefferson Lines, Inc.*, 513 U.S. 175, 179 (1995). Under the four-part test adopted by the Court to govern the validity of state taxes under the Commerce Clause, a tax will be sustained against Commerce Clause challenge "when the tax is applied to an activity with a substantial nexus with the taxing State, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the State." *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 279 (1977).

"[T]he first step in analyzing any law subject to judicial scrutiny under the negative Commerce Clause is to determine whether it 'regulates evenhandedly with only "incidental" effects on interstate commerce, or discriminates against interstate commerce.'" *Oregon Waste Systems*, 511 U.S. at 99 (quoting *Hughes v. Oklahoma*, 441 U.S. 322, 336 (1979)). "[D]iscrimination' simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." *Oregon Waste Systems*, 511 U.S. at 99. "[A] state tax that favors in-state business over out-of-state business for no other reason than the location of the business is prohibited by the Commerce Clause." *American Trucking Ass'ns, Inc. v. Scheiner*, 483 U.S. 266, 286 (1987). "[T]he degree of a differential burden or charge on interstate commerce 'measures only the extent of the discrimination' and 'is of no relevance to the determination whether a State has discriminated against interstate commerce.'" *Oregon Waste Systems*, 511 U.S. at 100 n.4 (quoting *Wyoming v. Oklahoma*, 502 U.S. 437, 455 (1992) (emphasis in original)).

In assessing if a state tax impermissibly discriminates against interstate commerce, a court must consider not only the tax, but also any credits, exemptions, or exclusions. See *Maryland v. Louisiana*, 451 U.S. 725, 756 (1981) (Invalidating Louisiana tax on use of natural gas in the state in part because allowing credits only to those engaged in in-state economic activity effectively immunized local interests from the tax); see also *West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 211 (1994) (Scalia, J., concurring) ("[E]xemption' from or 'credit' against a 'neutral tax' . . . no different in principle" than tax that directly discriminates against out-of-state interests). Various tax exemptions or credits have been held to violate the Commerce Clause. See, e.g., *Camps Newfoundland/Owatonna, Inc. v. Town of Harrison, Maine*, 520 U.S. 564 (1997) (Invalidating property tax exemption for charitable institutions that was limited to institutions serving principally state residents); *New Energy Co. of Indiana v. Limbach*, 486 U.S. 269 (1988) (Invalidating Ohio statute that provided tax credit for sales of ethanol produced in-state, but not ethanol produced in certain other states).

"[A] tax may violate the Commerce Clause if it is facially discriminatory, has a discriminatory intent, or has the effect of unduly burdening interstate commerce." *Amerada Hess Corp. v. Director, Div. of Taxation*, 490 U.S. 66, 75 (1989). "If a restriction on commerce is

discriminatory, it is virtually *per se* invalid." *Oregon Waste Systems*, 511 U.S. at 99. A discriminatory law will be invalidated unless "it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory means." *Id.* at 100 (*quoting New Energy Co. of Ind. v. Limbach*, 486 U.S. 2169, 278 (1988)). "By contrast, nondiscriminatory regulations that have only incidental effects on interstate commerce are valid unless 'the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.'" *Oregon Waste Systems*, 511 U.S. at 99 (*quoting Pike v. Bruce Church*, 397 U.S. 137, 142 (1970)).

Op. Att'y Gen. No. 18-001 at 5-6.

Both resident and nonresident individuals are subject to Nebraska income tax. *See* Neb. Rev. Stat. § 77-2715(1) (Cum. Supp. 2016). Resident individuals are taxed on their "entire net income," while nonresident individuals are taxed on income "derived from sources within" Nebraska. *Id.* Both resident and nonresident estates and trusts, and their beneficiaries, are subject to Nebraska income tax. Neb. Rev. Stat. § 77-2717 (Cum. Supp. 2016). Corporations are also subject to income tax. Neb. Rev. Stat. § 77-2734.02(1) (Cum. Supp. 2016).<sup>1</sup> Nebraska income tax also applies to resident and nonresident partners of partnerships, as well as resident and nonresident shareholders of Subchapter S corporations or members of limited liability companies. Neb. Rev. Stat. §§ 77-2727 (Cum. Supp. 2016) and 77-2734.01 (Cum. Supp. 2016).

Under LB 829, one of the legislative proposals addressed in our recent opinion, a refundable income tax credit was allowed "to each taxpayer...in the amount of fifty percent of the school district taxes levied on the taxpayer's property and paid by the taxpayer during [the] taxable year." LB 829, § 3. While "taxpayer" was not defined, we noted "it presumably refer[ed] to all taxpayers subject to Nebraska income tax." Op. Att'y Gen. No. 18-001 at 7. As noted, "taxpayers" subject to Nebraska income tax can include both resident and nonresident individuals and entities. We concluded that, "by stating 'each taxpayer' [was] entitled to the credit, we interpret[ed] the bill to extend the credit to any taxpayer subject to the Nebraska income tax, resident or nonresident." *Id.* As "[a]vailability of the credit [was] based on whether a person or entity [was] subject to Nebraska income tax and pa[id] property tax in Nebraska, not residency...", we concluded "the bill [did] not discriminate on its face against nonresidents subject to Nebraska income tax." *Id.*

We noted, however, that LB 829's limitation of the credit to persons or entities subject to Nebraska income tax "result[ed] in different treatment of some nonresidents." *Id.* Specifically, we stated:

In this regard, nonresidents who do not have income sourced to Nebraska and are thus not subject to income tax, but own property on which taxes are paid, would receive no income tax credit. While this may not impact a significant number of nonresidents, there is no "de minimis" defense to a

charge of discriminatory taxation under the Commerce Clause." *Fulton Corp. v. Faulkner*, 516 U.S. 325, 334 n.3 (1996). The income tax credit is intended to provide tax relief to property taxpayers. By allowing the credit only to those subject to income tax, some property taxpayers (nonresidents that pay property taxes but are not subject to income tax) are denied relief. This discrimination against certain nonresidents would disfavor primarily out-of-state interests, which the Commerce Clause prohibits absent a showing that limiting the credit advances a legitimate local interest that cannot adequately be served by nondiscriminatory alternatives. Accordingly, to remove any potential impermissible discrimination, the credit should be extended to all property taxpayers, resident and nonresident, whether or not they are subject to Nebraska income tax. As the credit is refundable, a mechanism should be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax.

Op. Att'y Gen. No. 18-001 at 7-8.

While rules governing the interpretation of statutes generally apply to constitutional provisions, constitutional provisions "receive a broader and more liberal construction than statutes." *Hall v. Progress Pig, Inc.*, 259 Neb. 407, 414, 610 N.W.2d 420, 427 (2000). "Constitutional provisions, like statutes, are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore that construction is necessary." *Pig Pro Nonstock Coop. v. Moore*, 253 Neb. 72, 81, 568 N.W.2d 217, 223 (1997). "The words and terms of a constitutional provision are to be interpreted and understood in their most natural and obvious meaning, unless the subject indicates or the text suggests that they have been used in a technical sense." *State ex rel. Douglas v. Beermann*, 216 Neb. 849, 853-54, 347 N.W.2d 297, 301 (1984).

The language of the legislative resolution proposing to amend the constitution to provide a refundable income tax credit makes no distinction based on residency or Nebraska income tax liability. Rather, it states a credit is provided against Nebraska income tax in an amount equal to thirty-five percent of property taxes "levied on real property located in this state" and "[p]aid by the taxpayer during the taxable year." Unlike LB 829, which utilized the term "taxpayer" to refer to a person or entity subject to Nebraska income tax, the legislative resolution uses the term "taxpayer" to refer to the person or entity paying property taxes on real property in Nebraska. Thus, qualification for the credit is based on payment of real property taxes in Nebraska, not residency of the taxpayer, or the taxpayer being subject to Nebraska income tax.<sup>2</sup> As the refundable income tax credit provided by this resolution would be available to any real property taxpayer, there would be no potential for improper discrimination against nonresidents or out-of-state interests which could run afoul of the Commerce Clause.

### **B. Discrimination Against Non-Resident Nebraska Property Taxpayers.**

Your second question, which asks if the proposed constitutional amendment would impermissibly "discriminate against non-resident Nebraska property taxpayers," does not identify any specific constitutional provision which the amendment may violate. As it pertains to unconstitutional discrimination against non-residents, it is appropriate to consider if the proposal violates the Privileges and Immunities Clause. U.S. Const. art. IV, § 2. That clause provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

The object of the Privileges and Immunities Clause is to "strongly...constitute the citizens of the United States one people," by "plac[ing] the citizens of each State upon the same footing with citizen of other States, so far as the advantages resulting from citizenship in those States are concerned." *Paul v. Virginia*, 75 U.S. (8 Wall.) 168, 180 (1868). "[T]he clause plainly and unmistakably secures and protects the right of a citizen of one State to pass into any other State of the Union for the purpose of engaging in lawful commerce, trade, or business without molestation; to acquire personal property; to take and hold real estate; to maintain actions in the courts of the State; and to be exempt from any higher taxes or excises than are imposed by the State upon its own citizens." *Ward v. Maryland*, 79 U.S. (12 Wall.) 418, 430 (1870).<sup>3</sup>

"Like many other constitutional provisions, the privileges and immunities clause is not an absolute." *Toomer v. Witsell*, 334 U.S. 385, 396 (1948) [*Toomer*"]. As explained in *Toomer*, the clause proscribes

discrimination against citizens of other States where there is no substantial reason for the discrimination beyond the mere fact that they are citizens of other States. But it does not preclude disparity of treatment in the many situations where there are perfectly valid independent reasons for it. Thus, the inquiry in each case must be concerned with whether such reasons do exist and whether the degree of discrimination bears a close relationship to them. The inquiry must also, of course, be conducted with due regard for the principle that the States should have considerable leeway in analyzing local evils and in prescribing appropriate cures. 334 U.S. at 396.

Thus, in analyzing whether a law distinguishing between residents and nonresidents contravenes the Privileges and Immunities Clause, the inquiry focuses on whether "(i) there is a substantial reason for the difference in treatment; and (ii) the discrimination against nonresidents bears a substantial relationship to the State's objective." *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274, 284 (1985).

State laws which deny nonresidents a general tax exemption or deduction without substantial justification have been held to violate the Privileges and

Immunities Clause. *See, e.g., Lunding v. New York Tax Appeals Tribunal*, 522 U.S. 287 (1998) (No substantial justification supported statute that effectively denied only nonresident taxpayers an income tax deduction for alimony paid.); *Travis v. Yale & Towne Mfg. Co.*, 252 U.S. 60 (1920) ["*Travis*"] (Invalidating statute that denied only nonresidents an exemption from tax on a certain threshold of income.). States may, however, limit nonresidents' deductions of business expenses and nonbusiness deductions based on the relationship between those expenses and in-state property or income. *Schaffer v. Carter*, 252 U.S. 37 (1920) (Upholding Oklahoma statute denying deductions for out-of-state losses to nonresidents who were subject to Oklahoma's tax on in-state income.); *Travis*, 252 U.S. at 75-76 (Recognizing that *Schaffer* "settled...[t]hat there is no unconstitutional discrimination against citizens of other states in confining the deduction of expenses, losses, etc., in the case of nonresident taxpayers, to such as are connected with income arising from sources within the taxing state."). Statutes limiting property tax relief or credits to resident property owners have been held to violate the Privileges and Immunities Clause. *Borden v. Selden*, 259 Iowa 808, 146 N.W.2d 306 (1966) (Invalidating agricultural land tax credit applicable only to land owned by residents.); *Opinion of the Judges*, 81 S.D. 629, 140 N.W.2d 34 (1966) (Definition of "individual taxpayer" qualified to receive distributions of tax relief in the form of a credit and refund was unconstitutional as it was limited to resident owners of real or personal property.).

In *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967), the Nebraska Supreme Court held that allowing only residents a "food sales tax credit" against Nebraska income tax did not constitute unjust or unreasonable discrimination under the Privileges and Immunities Clause. Initially, the court noted that the credit was part of the sales tax rather than the income tax, and it "seem[ed] reasonable for the Legislature to determine that generally a state sales tax on food for personal use will be paid almost universally by residents of the state, while purchases of such foods in the state by nonresidents are ordinarily minimal." *Id.* at 405, 155 N.W.2d at 330. It emphasized that the cases cited to support the claim the credit was invalid were "either property tax cases or income tax cases involving personal exemptions," not sale tax cases. *Id.* at 407, 155 N.W.2d at 331. The court found that, "[v]iewed as a form of state sales tax exemption, the classification between residents and nonresidents as to the credit or refund of sales taxes on food for personal use is supported by valid independent reasons other than mere residence." *Id.* Nor would the result be different if the credit were treated as part of the income tax, as "[a] credit or deduction on income tax for sales taxes paid on food for personal use should logically be treated as a personal expense deduction, as opposed to a business expense deduction." *Id.* The court concluded by stating:

In our opinion, there are substantial reasons for the disparity of treatment between residents and nonresidents and the classification is not discriminatory nor arbitrary. Many facts support this classification, whether the credit, refund, or deduction, be viewed from the aspect of a

sales tax or an income tax. The Legislature may have been of the opinion that food purchases for personal use are so closely related to the state of residence, particularly with respect to the imposition of a state sales tax, that any exemption, credit, deduction, or refund should be allowed only by the state of residence and not by every other state in which some part of the taxpayer's income might be found and taxed. The wisdom of such a legislative policy is a matter for legislation rather than judicial decision. We hold that the allowance and limitation of the food sales tax credit only to residents does not constitute unjust or unreasonable discrimination under the privileges and immunities and equal protection clauses of the Fourteenth Amendment. 182 Neb. at 408, 155 N.W.2d at 332.

As noted in response to your first question, the language of the legislative resolution proposing to amend the constitution to provide a refundable income tax credit makes no distinction based on residency or Nebraska income tax liability. Rather, it states a credit is provided against Nebraska income tax in an amount equal to thirty-five percent of property taxes "levied on real property located in this state" and "[p]aid by the taxpayer during the taxable year." Thus, qualification for the credit is based on payment of real property taxes in Nebraska, not residency of the taxpayer, or the taxpayer being subject to Nebraska income tax. As the refundable income tax credit provided by this resolution would be available to any real property taxpayer, there would be no potential for improper discrimination against nonresidents that would violate the Privileges and Immunities Clause.

#### CONCLUSION

The refundable income tax credit provided under the proposed constitutional amendment is not limited to Nebraska residents. Accordingly, it does not discriminate against nonresidents or primarily out-of-state interests in violation of the Commerce Clause. Also, as eligibility for the credit is not limited to Nebraska residents, it does not run afoul of the Privileges and Immunities Clause.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
07-1109-29

<sup>1</sup> Corporations operating as a unitary business both within and outside Nebraska determine taxable income by use of an apportionment formula. Neb. Rev. Stat. §§ 77-2734.05 and 77-2734.06 (2009).

<sup>2</sup> The proposed amendment requires the Legislature to "provide by law" for the refundable credit. Thus, to be consistent with the language of the amendment, legislation to implement the credit must provide a means for all property taxpayers, resident or non-resident, to claim the credit, whether or not they are subject to Nebraska income tax.

<sup>3</sup> While the terms "resident" and "citizen" are not synonymous, "a general taxing scheme...[that] discriminates against all nonresidents, has the necessary effect of including in the discrimination those who are citizens of other states." *Travis v. Yale & Towne Mfg. Co.*, 252 U.S. 60, 79 (1920).

Opinion 18-006

SUBJECT: Whether the Nebraska Legislature's Archived Videos of Committee Hearings and Floor Debates Are "Public Records" Under the Nebraska Public Records Statutes

REQUESTED BY: Senator Suzanne Geist  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office with respect to the "archived videos of committee hearings and floor debate" of the Nebraska Legislature. You indicate that you are contemplating introducing legislation that would explicitly make the videos public records, but would like us to clarify whether legislation is needed. In your opinion request letter, you state that Patrick J. O'Donnell, Clerk of the Nebraska Legislature, testified on Legislative Bill 1018,<sup>1</sup> a bill you introduced during the 2018 legislative session. Mr. O'Donnell stated that the Nebraska Legislature has "significant quantities of digitized files that are maintained both on our server system as well as backup files at NET [Nebraska Educational Television]," and that the Legislature owned the files.<sup>2</sup> You further indicate that transcribers and committee clerks have access to the archived videos, "but other legislative employees, senators and the public are denied access."

**PREVIOUS DISPOSITION**

On May 1, 2018, this office issued its disposition in *File No. 18-R-113; Clerk of the Legislature; Debra A. Portz, Petitioner ("Portz")*<sup>3</sup> This letter was written in response to a petition submitted to our office under Neb. Rev. Stat. § 84-712.03(1)(b) (2014, 2018 Neb. Laws LB 193) of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2016<sup>4</sup>) ("NPRS"). Under § 84-712.03(1)(b), any person denied any rights granted under §§ 84-712 to 84-712.03 may petition the Attorney General to determine whether the petitioner has been denied access to public

records, or whether the public body involved is otherwise not in compliance with the provisions of the NPRS.

The petitioner in *Portz* had submitted a public records request to the Clerk of the Legislature seeking a copy of archived videos of floor debate for legislative bill 295 for two days in March 2018. The petitioner noted that written transcripts of the floor debate were not currently available. Mr. O'Donnell denied the request, indicating that the Legislature does not make audio and video files available because they are not considered "official records." Mr. O'Donnell explained that the audio and video files are not public records themselves, but are electronic files used by legislative staff to create transcripts of the proceedings. According to Mr. O'Donnell, the *transcripts* constitute the official public records of legislative committee hearings and floor debate. The transcripts are then made available to the public through the Legislature's website or upon request to the Clerk's office. In lieu of providing a copy of the video, Mr. O'Donnell offered to provide the petitioner a rough draft transcript.

In addition to his position that audio and video recordings of legislative proceedings do not constitute "public records," Mr. O'Donnell noted other concerns associated with producing the audio and video files in his denial letter, including: (1) the costly storage requirements and the need for staff to manage the files; (2) issues associated with authenticating the files for administrative and judicial proceedings; (3) lack of staff to handle requests for the files if offered to the public; (4) lack of technology (hardware, software, and trained staff) to manage the files; and (5) the lack of search capability for extremely large files. Mr. O'Donnell also argued that Neb. Rev. Stat. § 84-712(3)(e) did not require his office to produce public records in a different format from that of the original public record. Mr. O'Donnell indicated that the Legislature's Executive Board considered this issue twice in the last three years, and has not changed its policy denying release of archived video. He asserted that making transcripts available via the Legislature's "website is the most viable, cost-efficient way to serve the public and maintain our Legislature's historical commitment to providing openness and transparency." *Portz* at 2.

Upon review, we determined that the audio and video recordings of committee hearings and floor debate fell within the definition of public records set out in the NPRS. We also determined that there was no statutory basis to withhold the recordings. We rejected the notion that producing copies of the recordings would require the Clerk's office to produce records "in a new or different format modified from that of the original public record," noting that the recordings currently exist as a digital record and could be produced as a digital record. Under these circumstances, the written transcripts represent a new and different format, not the recordings themselves. As a result of our findings, we directed Mr. O'Donnell to produce the requested recordings to the petitioner at his earliest possible convenience.

### DISCUSSION

The relevant statute governing public records is set out in Neb. Rev. Stat. § 84-712 (2014). That statute provides, in pertinent part, that

[e]xcept as otherwise expressly provided by statute, all citizens of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

This basic language guaranteeing access to governmental records has been in existence since 1866. In 1979, the Nebraska Legislature enacted the following definition of "public records":

Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

1979 Neb. Laws LB 86, § 2,<sup>5</sup> codified at Neb. Rev. Stat. § 84-712.01(1) (2014).

However, access to records is not absolute. An exception exists "when any other statute expressly provides that particular information or records shall not be made public . . . ." <sup>6</sup> In addition, Neb. Rev. Stat. § 84-712.05 currently contains twenty-one categories of public records that may be withheld at the discretion of the public body involved so long as those records have not been "publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties . . . ." Neb. Rev. Stat. § 84-712.08 permits the suspension of certain provisions of the NPRS and the Open Meetings Act<sup>7</sup> when the application of those provisions would result in the loss of federal funds, services or essential information available to a state agency.

In Nebraska, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.

*Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 907 N.W.2d 301 (2018); *Farmers Cooperative v. State*, 296 Neb. 347, 893 N.W.2d 728 (2017). In discerning the meaning of a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. *Id.*; *Davis v. Gale*, 299 Neb. 377, 908 N.W.2d 618 (2018). It is not within the province of the courts to read a meaning into a statute that is not there or to read anything direct and plain out of a statute. *Aksamit*, 299 Neb. at 123, 907 N.W.2d at 308; *State v. Gilliam*, 292 Neb. 770, 781, 874 N.W.2d 48, 57 (2016). When the Legislature provides a specific definition for purposes of a section of an act, that definition is controlling. *Farmers*, 296 Neb. at 356, 893 N.W.2d at 736.

The definition of "public records" encompasses "all records and documents, regardless of physical form, of or belonging to . . . any . . . branch . . ." Courts often turn to dictionaries to ascertain a word's plain and ordinary meaning. *Gilliam*, 292 Neb. at 781, 874 N.W.2d at 57. For example, "record" in this context may be defined as "1. [a] documentary account of past events, usu. designed to memorialize those events. 2. information that is inscribed on a tangible medium or that, having been stored in an electronic or other medium, is retrievable in perceivable form." BLACK'S LAW DICTIONARY 1301 (10<sup>th</sup> ed. 2014). "Physical" is defined as "having material existence: perceptible especially through the senses and subject to the laws of nature."<sup>8</sup> "Form" relates to "one of the different modes of existence, action, or manifestation of a particular thing or substance: kind."<sup>9</sup> The phrase "of or belonging to," construed in *Everton v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), "includes any documents or records that a public body is entitled to possess—regardless of whether the public body takes possession. The public's right of access should not depend on where the requested records are physically located." *Id.* at 9, 767 N.W.2d at 759. The word "branch" denotes a "division of an institution [the executive, legislative, and judicial branches of government]." BLACK'S LAW DICTIONARY 199 (10<sup>th</sup> ed. 2014).

The archived video recordings of committee hearings and floor debate are documentary accounts of legislative proceedings. The recordings are produced and stored in an electronic medium. The recordings are retrieved by legislative staff for the purpose of preparing written transcripts of the proceedings. While NET broadcasts and streams the proceedings, and maintains a copy of the broadcasts, the Nebraska Legislature retains ownership of the content. See *infra* at 1. In this regard, there is no question that the recordings are "of or belonging to" the Nebraska Legislature. It is also axiomatic that the Nebraska Legislature is a branch of Nebraska state government. "The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial . . ." Neb. Const. art. II, § 1. "The legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. Applying the plain and ordinary meaning of these terms to the definition of public

records in § 84-712.01(1) leads us to conclude, without equivocation, that recordings of legislative proceedings are public records.

Moreover, we are unaware of any other statute that would make the recordings not a public record.<sup>10</sup> And there is no exception in § 84-712.05 that would allow the Clerk, at his discretion, to withhold the recordings from disclosure. This fact is plainly evidenced by the attempt to add "[a]udio and video recordings of the proceedings of the Legislature or of a committee or division of the Legislature" to § 84-712.05 during the last legislative session. The waiver provisions in § 84-712.08 do not apply to the Nebraska Legislature. Consequently, since the recordings at issue fall within the definition of public records set out in § 84-712.01(1), and there is no statute that otherwise provides that the records are not public records or, alternatively, are public records but may be withheld, the recordings must be made available to a Nebraska citizen or other interested person in response to a request made under § 84-712.

"[T]he Legislature exercises a power constitutionally committed to it by enacting statutes to declare what is the law and public policy." *State ex rel. Veskrna v. Steel*, 296 Neb. 581, 598, 894 N.W.2d 788, 800 (2017). "In enacting the public records statutes, the Legislature has determined that the welfare of the people is best served through liberal public disclosure of the records of the three branches of government." *Id.*; *Aksamit*, 299 Neb. at 122, 907 N.W.2d at 307 (2018). "Nebraska, like the federal government and many other states, has broad public records laws that generally provide open access to governmental records." *State ex rel. Adams Cty. Historical Society v. Kinyoun*, 277 Neb. 749, 754, 765 N.W.2d 212, 217 (2009). In view of these legal principles, the Legislature's long-held policy that the recordings of committee hearings and floor debate are not public records is untenable. Consequently, we would strongly suggest that the Legislature take affirmative steps, either independently or in conjunction with NET, to resolve the ongoing issues and concerns relating to producing copies of the recordings in response to public records requests made pursuant to § 84-712. Alternatively, the Legislature should consider legislation which would allow the Clerk to withhold the recordings at his discretion.

### CONCLUSION

Based on the foregoing, we conclude that archived video of floor debate and committee hearings are public records under the NPRS. No other statutory provisions exist which would allow the recordings to be kept confidential. Consequently, in light of our conclusion, there is no need for you to pursue clarifying legislation on this matter at this time.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
49-2080-29

<sup>1</sup> LB 1018 contained three components. First, it established that audio and video recordings of legislative proceedings are not the "official records" of the proceedings and are not "admissible in any proceeding as evidence of legislative history, actions, or intent." Second, it created a requirement for "[a]ny government web site offering access to audio and video recordings" of legislative proceedings to notify users that the recordings "shall not be used for political or commercial purposes." Third, the bill added "[a]udio and video recordings of the proceedings of the Legislature or of a committee or division of the Legislature" to the list of public records that could be withheld from disclosure at the discretion of the lawful custodian. *See* Neb. Rev. Stat. § 84-712.05. LB 1018 did not advance from committee.

<sup>2</sup> *See* Hearing of the Executive Board on LB 1018, 105<sup>th</sup> Neb. Leg., 2<sup>nd</sup> Sess. (Jan. 31, 2018) at 12.

<sup>3</sup> Accessible at <https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/18-R-113%3B%20Clerk%20of%20the%20Legislature%3B%20Debra%20A.%20Portz%2C%20Petitioner.pdf>.

<sup>4</sup> *See also* 2018 Neb. Laws LB 859 and 2018 Neb. Laws LB 902.

<sup>5</sup> "The whole theory [of LB 86] is, the documents prepared by public agencies are public except if another statute already makes them not public or if they are listed in these particular seven exceptions [enumerated later in the bill]." Hearing of the Government, Military and Veterans Affairs Committee on LB 86, 86<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (Feb. 9, 1979) at 4.

<sup>6</sup> *See, e.g.*, Neb. Rev. Stat. § 29-2261 (2016, 2018 Neb. Laws LB 841 and LB 1034) ("Any presentence report, substance abuse evaluation, or psychiatric examination shall be privileged . . ."); Neb. Rev. Stat. § 32-301 (2016, Supp. 2017, 2018 Neb. Laws LB 1065 [eff. 7/1/2019]) ("The digital signatures [relating to voter registration list] in the possession of the Secretary of State, the election commissioner, or the county clerk shall not be public records as defined in section 84-712.01 and are not subject to disclosure under sections 84-712 to 84-712.09."); Neb. Rev. Stat. § 47-912 (Supp. 2017) ("Reports of investigations conducted by the office [of the Inspector General of the Nebraska Correctional System] are not public records for purposes of sections 84-712 to 84-712.09."); and Neb. Rev. Stat. § 77-3510 (Supp. 2017, 2018 Neb. Laws LB 1089) ("The [homestead exemption] application and information contained on any attachments to the application shall be confidential and available to tax officials only.").

<sup>7</sup> Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2014, Cum. Supp. 2016, Supp. 2017).

<sup>8</sup> See <https://www.merriam-webster.com/dictionary/physical> last accessed September 18, 2018.

<sup>9</sup> See <https://www.merriam-webster.com/dictionary/form> last accessed September 18, 2018.

<sup>10</sup> See *Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 127, 907 N.W.2d 301, 310 (2018) (Concluding that the district's competitive information could not be withheld under the exception in § 84-712.05(3) of the NPRS, but noting that it would not hesitate to apply the "other statute" exception in § 84-712.01(1), "and the general principle favoring a specific over a general statute," to exclude the information from disclosure.).

### Opinion 18-007

SUBJECT: Whether the fees charged to participants in the Nebraska Educational Savings Plan Trust are public funds and whether the Legislature may transfer an excess of those fees into the General Fund.

REQUESTED BY: Senator John P. Stinner, Nebraska State Legislature  
Don Stenberg, Nebraska State Treasurer

WRITTEN BY: Douglas J. Peterson, Attorney General  
Natalee J. Hart, Assistant Attorney General

### INTRODUCTION

You have each requested our opinion on questions which have followed the issuance of Op. Att'y Gen. 18-003 (July 18, 2018) relating to an account which was maintained by the State Treasurer for the purpose of paying administrative costs associated with the Nebraska Educational Savings Plan Trust. In our prior opinion, we determined that the monies held in that account by the State Treasurer (designated the "Fee Account" therein) must be deposited in an account set up for that purpose by the Legislature, the "Expense Fund." However, we declined to opine on the question of whether the funds in that account were "public funds," as such a determination was unnecessary at that time. You have both now asked us to issue an opinion on this issue. Senator Stinner has posed the following question:

- (1) Were the "Fee Account" funds, as reported under the Auditor's August 14, 2018, attestation report, "money of the state" (or "public money" or "public funds") for purposes of Neb. Rev. Stat. § 84-602 (Cum. Supp. 2016)?

Senator Stinner has indicated that he intends to bring legislation concerning this issue; accordingly, it is now appropriate for us to opine on the nature of the funds in the Expense Fund.<sup>1</sup> Treasurer Stenberg has also asked us to opine on this same question. Additionally, Treasurer Stenberg has posed two other questions to this office:

- (2) Whether the portion of Neb. Rev. Stat. § 85-1807(4), which authorizes the Legislature to transfer funds from the Expense Fund of the Nebraska Educational Savings Trust to the General Fund, is constitutional?
- (3) If the Legislature were to transfer funds from the College Savings Plan Expense Fund to the General Fund, would that be a violation of federal securities law?

### **BACKGROUND**

In Op. Att'y Gen. No. 18-003 we were asked by the State Treasurer and the State Auditor to opine as to whether the Treasurer was permitted to maintain a bank account outside of the state accounting system, which served to pay expenses related to the Nebraska Educational Savings Plan Trust ("NESPT") fund. The funds in that outside account originated with fees charged to investors. We determined that because Neb. Rev. Stat. § 85-1807 specifically provided for the deposit of such fees in the "Expense Fund," the Treasurer was required to utilize that fund and not an outside account. In Op. Att'y Gen. No. 18-003 we were concerned primarily with whether the Treasurer could maintain a bank account outside of the state accounting system in which to deposit and store these fees; we were not concerned with the nature of the funds, as the character of the funds was inapplicable to the question of where the funds were statutorily required to be deposited. Consequently, we declined to opine as to whether the funds in the Expense Fund were public funds. This opinion will now examine that question and related questions posed by the Treasurer.

The State Treasurer has been granted duties and responsibilities to implement and administer NESPT, a public trust established for investment by individuals for future educational use. Neb. Rev. Stat. §§ 85-1801 through 85-1814 (2014). The Legislature has established three separate funds for the State Treasurer to administer in relation to NESPT: (1) The College Savings Plan Program Fund ("Program Fund"), (2) the College Savings Plan Expense Fund ("Expense Fund"), and (3) the College Savings Plan Administrative Fund ("Administrative Fund"). Neb. Rev. Stat. § 85-1807(1). The State Treasurer is required to deposit money received by the trust into the appropriate fund and the funds "shall be separately administered." *Id.* Money in each of the funds is to be invested by the State Investment Officer when such funds are available. Neb. Rev. Stat. § 85-1807(2)-(4). The Program Fund consists of all deposits and investment income from investors in NESPT. Neb. Rev. Stat. § 85-1807(2).

In implementing NESPT, the Treasurer is permitted to "establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, including penalties for cancellations and late payments with respect to participation agreements." Neb. Rev. Stat. § 85-1804(10) (2014). The administrative fees authorized by this statute are to be deposited into the Expense Fund.

The expense fund shall be used to pay costs associated with the Nebraska educational savings plan trust and shall be funded with fees assessed to the program fund. . . . Transfers may be made from the expense fund to the General Fund at the direction of the Legislature. Any money in the expense fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Neb. Rev. Stat. § 85-1807(4).

The Legislature appropriates funds from the Expense Fund into the Administrative Fund in order to pay the costs of "administering, operating, and maintaining" the NESPT trust. Neb. Rev. Stat. § 85-1807(3). No General Fund appropriations are to be used to operate NESPT. Neb. Rev. Stat. § 85-1807(1). Neb. Rev. Stat. § 85-1813 provides that the assets of the Program Fund are to be held in trust for the participants and beneficiaries and no property rights exist in the State to this fund, but expressly excludes the Administrative Fund and the Expense Fund from these stipulations:

The assets of the Nebraska educational savings plan trust, including the program fund and excluding the administrative fund and the expense fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries. No property rights in the trust shall exist in favor of the state. Such assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

Your questions concern whether the monies found in the Expense Fund are "public funds" and whether those funds may be lawfully transferred from the Expense Fund to the General Fund as authorized by Neb. Rev. Stat. § 85-1807(4). Our responses to your questions are set out below.

### **ANALYSIS**

#### **Whether the funds in the Expense Fund are "public funds."**

Your first question as posed to us is whether the "Fee Account" funds, as reported under the Auditor's August 14, 2018, attestation report, are "money of the state" (or "public money" or "public funds") for purposes of Neb. Rev. Stat. § 84-602 (Cum. Supp. 2016). As the funds which were maintained in the "Fee Account" as referenced in Op. Att'y Gen. No. 18-003 were transferred to the Expense Fund in August 2018, we will rephrase your

question to be whether the funds in the Expense Fund, derived directly from fees charged of NESPT participants, are public funds or monies of the state.

Neb. Rev. Stat. § 84-602 provides, in pertinent part, that "[i]t shall be the duty of the State Treasurer: (1) [t]o receive and keep all money of the state not expressly required to be received and kept by some other person . . . ." The phrase "money of the state" is not defined for purposes of § 84-602(1). "Money of the state" is also often referred to as "public funds." "Public funds" is defined only once in Nebraska statute, in relation to the budgets of cities, counties, and other political subdivisions. While not directly germane to the question before us, Neb. Rev. Stat. § 13-503(7) (Cum. Supp. 2016) may provide some insight as to what "public funds" means in Nebraska: "[p]ublic funds means all money, including nontax money, used in the operation and functions of governing bodies."

Absent a statutory definition, "money of the state" or "public funds" should be given its plain and ordinary meaning. *See In re Interest of Jeremy T.*, 257 Neb. 736, 600 N.W.2d 747 (1999). Where the words of a statute are plain, direct, and unambiguous, no interpretation is necessary to ascertain their meaning. *Governors of Knights of Ak-Sar-Ben v. Dep't of Revenue*, 217 Neb. 518, 349 N.W.2d 385 (1984); *Garreans v. City of Omaha*, 216 Neb. 487, 345 N.W.2d 309 (1984). A court will not read meaning into a statute that is not warranted by the legislative language, and it will not read anything plain, direct, and unambiguous out of a statute. *State ex rel. Douglas v. Herrington*, 206 Neb. 516, 294 N.W.2d 330 (1980). "Public funds" are commonly defined as "[t]he revenue or money of a governmental body" while "general fund" is defined as "[a] government's primary operating fund . . . A general fund is distinguished from assets of a special character such as trust, escrow, and special purpose funds." Black's Law Dictionary 682 (7th ed. 1999).

We have indicated previously that "state funds" involve monies which are generated by the operation of general state law such as state fees and state taxes. "[T]he Nebraska Supreme Court and other authorities define public funds as those funds belonging to the state or a political subdivision that the state has collected in accordance with general law." Op. Att'y Gen. No. 07016, p. 2 (September 24, 2007). Funds are not public funds when they have been segregated for a specific use and cannot lawfully be used for any other purpose. *Id.* "Special purpose funds in the custody of the State that are earmarked for particular purposes are not public funds." *Id.* In distinguishing between state and nonstate funds, we have maintained that "[s]tate funds are those monies which are generated by state fees or state taxes. Nonstate funds are those which the state receives from outside sources." Op. Att'y Gen. No. 87114, p. 1 (December 9, 1987). "[N]onstate funds must be appropriated for purposes defined by the sources of the funds." *Id.* at 2. Custodial funds held for a specific purpose are not state monies. Merely depositing funds within a state treasury does not in itself make them state funds;<sup>2</sup> "only monies raised by operation of some general state law become state funds." Op. Att'y Gen. No. 87001, p. 1 (January 6, 1987).<sup>3</sup>

Neb. Rev. Stat. § 85-1807(4) provides that the Expense Fund "shall be used to pay costs associated with the [NESPT] trust." Neb. Rev. Stat. § 85-1807(3) provides that the Administrative Fund is to be funded by appropriation from the Expense Fund and "shall be utilized to pay for the costs of administering, operating, and maintaining the trust. . ." However, Neb. Rev. Stat. § 85-1807(4) further provides that "transfers may be made from the expense fund to the General Fund at the direction of the Legislature." We must also be cognizant of the express exclusion of the Expense Fund from the trust created from the Program Fund and the requirement that the funds invested by participants be "preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries." Neb. Rev. Stat. § 85-1813. Further, while as to the Program Fund the state has no property rights and may not transfer or use those assets for any purpose other than the trust, the same prohibition is not made as to the Expense Fund or the Administrative Fund. *Id.*

These statutes provide conflicting indications of the nature of the Expense Fund as public or nonpublic and we must attempt to reconcile their meaning. We are guided by the following principles in that undertaking. Effect must be given to every word of a statute, since the Legislature is presumed to have intended every provision of a statute to have a meaning. *Iske v. Papio Nat. Resources Dist.*, 218 Neb. 39, 352 N.W.2d 172 (1984). Different provisions of a statute must be reconciled to make them logical, harmonious, and sensible. *Ledwith v. Bankers Life Ins. Co.*, 156 Neb. 107, 54 N.W.2d 409 (1952). In determining legislative intent, it is necessary to examine the statute as a whole, in light of its objects and purposes. *See Sorensen v. Meyer*, 220 Neb. 457, 370 N.W.2d 173 (1985); *Adkisson v. City of Columbus*, 214 Neb. 129, 333 N.W.2d 661 (1983).

The State Treasurer's position is that the funds in the Expense Fund are not public funds. In support of this, the Treasurer points us to *Allen v. City of Omaha*, 136 Neb. 620, 286 N.W. 916 (1939) and *Sherard v. State of Nebraska*, 244 Neb. 743, 509 N.W.2d 194 (1993).<sup>4</sup> In *Allen*, the court considered whether a city pension fund for police officers was a "public fund" for purposes of awarding attorney's fees to the prevailing party. The court discussed only the fund which contained participant contributions and investment income, and discussed other similar trust funds, each of which are akin to the Program Fund of NESPT, in holding that the pension fund was not a public fund. The court stated:

"The term 'public funds' means funds belonging to the state or to any county or political subdivision of the state; more specifically taxes, customs, moneys, etc., raised by the operation of some general law, and appropriated by the government to the discharge of its obligations, or for some public or governmental purpose; and in this sense it applies to the funds of every political division of the state wherein taxes are levied for public purposes. The term does not apply to special funds, which are collected or voluntarily contributed, for the sole benefit of the

contributors, and of which the state is merely the custodian." In conformity therewith it has been held that a state hail insurance fund raised from hail insurance premiums was not a public fund. A state bonding fund raised from the collection of bond premiums was not a public fund. A state compensation fund maintained by contributions of employers is a special and not a public fund. Funds paid to the state forester for fire protection by those whose property was benefited are not state funds.

*Allen*, 136 Neb. at 625, 286 N.W. at 919 (internal citations omitted). The characteristics of the pension fund contributed to this holding: the pension fund was not raised by taxation but by employee and employer contributions, the pension fund was statutorily segregated for a specific use and could not be used for any other purpose, and the money in the pension fund was held in trust by the city treasurer for the benefit of claimants. *Id.* "In no event do such moneys become the funds of the city. They can be paid out only as provided in the statute creating the fund." *Id.*

In *Sherard*, the court dealt with the Second Injury Fund, which provided compensation in certain workers' compensation cases, and whether a writ of execution could issue against the fund. Because state property is not subject to execution, the issue was whether the money held in the fund was state money. The statutes which established the fund made the State Treasurer the custodian of the fund and specifically provided that the funds were to be held in trust and were not "money or property of the state." *Sherard*, 244 Neb. at 749, 509 N.W. 2d 194, 199.

As we indicated in Op. Att'y Gen. No. 18-003, neither *Allen* nor *Sherard* is directly applicable to the Expense Fund. The funds at issue in each of these opinions are similar to those found in the Program Fund – the funds deposited by the investors, rather than the Expense Fund – the fees charged of the investors. These cases make no mention of fees or administrative charges to participants and whether those fees are public funds. Additionally, the statute establishing the fund in *Sherard* specifically provided that the Second Injury Fund was not money of the state, in contrast to Neb. Rev. Stat. § 85-1813 which excludes the Expense Fund from a similar provision related to NESPT. However, as in each of these cases, the funds in the Expense Fund have been set aside for a particular purpose.

Also relevant to our analysis are the program disclosure statements and participation agreements available to program participants and members of the public. These documents create an expectation on the part of the program participants who invest in one or more of the plans as to what fees will be charged of the fund(s) in which they invest and the intended expenditure of those fees. The plan disclosure documents inform plan participants of a "state Administration Fee to cover administrative costs of overseeing, distributing and marketing the Plan." NEST Direct College Savings Plan Program Disclosure Statement and Participation Agreement, p.

5 (July 23, 2018);<sup>5</sup> TD Ameritrade 529 College Savings Plan Program Disclosure Statement and Participation Agreement, p. 5 (July 23, 2018).<sup>6</sup>

Additionally, plan participants are also advised that their investment plan will be assessed various fees including:

An administration fee equal to 0.02% of the average daily net assets in each Investment Option will be allocated to the state's cost to administer, market, and distribute the Plan. This fee accrues daily as a percentage of average daily net assets and is deducted from each Investment Option. This fee will reduce the value of an account.

NEST Direct College Savings Plan Program Disclosure Statement and Participation Agreement, p. 43; NEST Advisor College Savings Plan Program Disclosure Statement and Participation Agreement, p. 48 (July 23, 2018);<sup>7</sup> TD Ameritrade 529 College Savings Plan Program Disclosure Statement and Participation Agreement, p. 43; State Farm 529 Savings Plan Program Disclosure Statement and Participation Agreement, p. 41 (August 6, 2018).<sup>8</sup> From the language in these plan documents, it seems to us that it would be the reasonable expectation of the plan participants that their fees are utilized only in relation to NESPT.

The Expense Fund is unlike any other fund. These funds originate with fees charged to investors, are collected by the Treasurer, and held in a state fund to be invested by the State Investment Council. In Op. Att'y Gen. No. 18-003 we stated that a court could well determine that these are public funds. However, it is also possible that a court could find these to be nonpublic funds. The unique nature of the fees paid into the Expense Fund leaves us with little precedent to guide our examination of this question. However, we believe that the more persuasive case controlling the nature of the fees to be *Allen v. City of Omaha*. In that case, the court provided direction for what are to be considered "public funds" in Nebraska: "taxes, customs, moneys, etc., raised by the operation of some general law, and appropriated by the government to the discharge of its obligations, or for some public or governmental purpose." *Allen* also provides us with a three-part test for establishing whether funds are public funds: (1) the funds are raised by taxation, (2) are statutorily segregated for a specific use, and (3) are held in trust by an official. *Allen v. City of Omaha*, 136 Neb. 620, 286 N.W.2d 916, 919; *See also Sherard v. State of Nebraska*, 244 Neb. at 750, 509 N.W. 2d 194, 199.

As in *Allen*, the funds in the Expense Fund were not raised by taxation or through a general law, and are segregated by § 85-1807(3)-(4) for a specific use. The Expense Fund is comprised of funds raised from private individuals for a specific purpose: to pay the costs associated with NESPT by program participants, in order that no general funds be used to support NESPT. The Expense Fund is not used for the general operation and function of the Treasurer's Office;<sup>9</sup> it is utilized to pay NESPT expenses and is held by the State Treasurer for this sole purpose.

We recognize the dichotomy created by the language in Neb. Rev. Stat. § 85-1807(3)-(4) versus that in Neb. Rev. Stat. § 85-1813 which specifically excludes the Expense Fund from the prohibition against the assets of the NESPT trust fund being transferred or used by the state for any purposes other than the trust. We resolve that conflict by recognizing that the Expense Fund is intended to be spent by the State Treasurer, after proper appropriation by the Legislature into the Administrative Fund, in order to pay the costs associated with NESPT. Were the Expense Fund part of the assets of the NESPT Trust, and were there a prohibition against transferring the fees, the Legislature would be unable to properly appropriate the funds for expenditure by the Treasurer or examine the expenses related to the NESPT program for propriety. While the State has no custody or control over the assets of the NESPT Trust, which are those monies invested by plan participants, the State must have control over the fees deposited into the Expense Fund in order for the Treasurer to expend them. The State's interest in the Expense Fund is in its proper administration and the payment of appropriate expenses, not in the corpus of the fund. Mere custody of the fees in the Expense Fund and authority of the State Treasurer to spend them does not make monies in the Expense Fund public funds. In our reading of Neb. Rev. Stat. §§ 85-1801 through 85-1814, we believe that the most sensible construction of the act as a whole is that the fees paid by investors are not meant to be public funds made available for the general use of the State of Nebraska.

The funds at issue no longer belong to the individuals paying the fees once they are collected. But neither do we believe that these fees belong to the state. The court in *Allen* held that those funds "were not, strictly speaking, public funds" and did not belong to the City, but were held by the city treasurer for the benefit of claimants. Consequently, we believe the better answer here to be that the Expense Fund is not clearly a public fund and should not be treated as a public fund by the Legislature. We believe these funds, which are earmarked and held by the State Treasurer for the specific purpose of paying expenses of NESPT, must be utilized only for that purpose.

**Whether the portion of Neb. Rev. Stat. § 85-1807(4), which authorizes the Legislature to transfer funds from the Expense Fund of the Nebraska Educational Savings Trust to the General Fund, is constitutional?**

There is currently no imminent Legislative action calling for a transfer of funds from the Expense Fund to the General Fund. As a result, it is unnecessary to opine as to whether this provision is unconstitutional.<sup>10</sup> However, we believe your question can be posed another way: whether the Legislature has the authority to transfer funds from the Expense Fund to the General Fund, when those funds are earmarked for purposes related solely to NESPT and are not clearly public funds. We do not believe it has such authority.

We have previously opined that in order for any state agency to utilize funds, state or nonstate, the Legislature must first make an appropriation. Op. Att'y Gen. No. 87001. "The Legislature must appropriate all funds (both state and non-state) before actual payment can be disbursed from the state. . . . However, nonstate funds must be appropriated for purposes defined by the sources of the funds." Op. Att'y Gen. No. 87114, p. 1-2. Consequently, while the Legislature must appropriate the funds before the Treasurer may expend them, for the reasons already found herein, we do not believe the Legislature may appropriate funds in the Expense Fund to any fund other than the Administrative Fund or for any other purpose than to pay the costs of administering, operating, or maintaining the trust.

**If the Legislature were to transfer funds from the College Savings Plan Expense Fund to the General Fund, would that be a violation of federal securities law?**

We do not believe that the Legislature may transfer funds from the Expense Fund into the General Fund. However, the Treasurer and the legal counsel for the NESPT plans have raised concerns that any transfer of funds from the Expense Fund for purposes other than to pay expenses related to the NESPT funds would run afoul of federal securities law, specifically the anti-fraud provision of the federal Securities Act and the rules of the Securities Exchange Commission. *See* 17 C.F.R. § 240.10b-5; 15 U.S.C. § 77q. These rules prohibit fraud in the marketing and description of a federal security, such as an interest in the Nebraska college savings plan. 17 C.F.R. § 240.10b-5 provides:

It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails or of any facility of any national securities exchange,

- (a) To employ any device, scheme, or artifice to defraud,
- (b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or
- (c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

Additionally, 15 U.S.C. § 77q (a) contains very similar language prohibiting fraudulent statements in the sale of securities. Neb. Rev. Stat. § 85-1807 and the plan documents provide that the fees charged of participants are to be used to pay expenses related to the plan. We agree with the State Treasurer that these federal provisions give rise to concerns that the transfer of funds out of the Expense Fund for a use other than to pay expenses related to NESPT may be in violation of federal rules related to these college savings plans.

### CONCLUSION

For the reasons set forth above, we believe that the funds in the Expense Fund are not clearly public funds; these are funds held in the custody of the State Treasurer which are earmarked for a particular purpose: to pay expenses related to NESPT. General Funds are explicitly prohibited from being utilized to support NESPT, requiring fees to be charged of participants in order to sustain the program. That they are held by the State Treasurer in a state bank account does not define whether the funds are public funds: the nature of the funds is defined by their origin and intended use. In this case, we believe the better answer to be that these funds are not public funds, must be used only to pay expenses of NESPT, and cannot be transferred by the Legislature for general state purposes.

Sincerely,  
 DOUGLAS J. PETERSON  
 Attorney General  
 (Signed) Natalee J. Hart  
 Assistant Attorney General

pc Patrick J. O'Donnell  
 Clerk of the Nebraska Legislature  
 02-703-29

<sup>1</sup> In Op. Att'y Gen. No. 18-003, that account was referred to as the "Fee Account." As that account has now been closed and the funds moved to the Expense Fund, we will only refer to the Expense Fund in this opinion. See Nebraska State Auditor of Public Accounts, Attestation Report of the Nebraska State Treasurer, p. 5 (August 14, 2018), found at [http://www.auditors.nebraska.gov/APA\\_Reports/2018/SA12-08142018-July\\_1\\_2016\\_through\\_December\\_31\\_2017\\_Attestation\\_Report.pdf](http://www.auditors.nebraska.gov/APA_Reports/2018/SA12-08142018-July_1_2016_through_December_31_2017_Attestation_Report.pdf).

<sup>2</sup> The State Treasurer asks, rhetorically, in his request letter, whether child support payments handled by that office become state funds merely by being deposited in a state bank account. We believe it is clear that these types of monies never become "state funds." See also, Op. Att'y Gen. No. 0002, p. 1 (January 4, 2000) ("[child support funds] represent child support payments due individual litigants rather than public funds.")

<sup>3</sup> We have also looked for guidance in how other states' courts have defined "public funds" absent a statutory definition. In Virginia, "[p]ublic funds are those moneys belonging to the State or to any city, county or political subdivision of the State, — or more specifically, taxes, customs and moneys raised by the operation of law for the support of the government or for the discharge of its obligations. . . . The character of the money is determined by its ownership rather than by the manner and means of its collection." *Beckner v. Com.*, 174 Va. 454, 459, 5 S.E.2d 525, 527 (1939)(citations omitted). "Public funds are moneys belonging to the United States or a corporate agency of the Federal government, a state or subdivision thereof,

or a municipal corporation. They represent moneys raised by the operation of law for the support of the government or for the discharge of its obligations. In other words, they constitute 'revenue', which, in turn, is defined as 'the income of the government arising from taxation, duties, and the like.'" *Wood Bros. Const. Co. v. Bagley*, 232 Iowa 902, 908-09, 6 N.W.2d 397, 400 (1942)(internal quotations omitted)(citations omitted). These cases are consistent with the prior opinions of this office.

<sup>4</sup> The State Treasurer also cites to an informal opinion of this office issued in 2013 concerning the University of Nebraska Group Health Trust Fund. The question raised in that opinion was whether those funds, which were to be used to pay University employee health care obligations, funded by employee and employer health plan contributions, must be deposited with the State Treasurer. We determined that the University Trust Fund did not contain money of the state once that money was paid into the trust; the money belonged to the health plan for the sole purpose of paying employee health claims. However, that opinion is inapplicable to the questions at issue. First, there was no express statutory provision requiring the University to deposit the funds with the State Treasurer. In the present instance, the Nebraska Legislature has chosen a specific statutory scheme that requires the fees paid by NESPT participants to be deposited in the Expense Fund. Second, the primary analysis related to whether the University had a legal obligation to make the health plan payments and whether the employees who participated in the plan had a legal right to the payments. Our analysis depended on the Nebraska Wage Payment and Collection Act, which has no application to the questions herein.

<sup>5</sup> Found at <http://cdn.unite529.com/jcdn/files/NED/pdfs/programdescription.pdf>.

<sup>6</sup> Found at <http://cdn.unite529.com/jcdn/files/PDF/pdfs/tdameritrade/programDescription.pdf>

<sup>7</sup> Found at <https://cdn.unite529.com/jcdn/files/NEA/pdfs/programdescription.pdf>.

<sup>8</sup> Found at <http://cdn.unite529.com/jcdn/files/PDF/pdfs/sfadvisor/programdescription.pdf>.

<sup>9</sup> We understand the Expense Fund is utilized to pay for expenses of the Treasurer's Office related to the administration of NESPT. This is in keeping with the prohibition against using any General Fund monies to operate NESPT. *See* Neb. Rev. Stat. § 85-1807(1); *See also* Op. Att'y Gen. No. 93094 (November 10, 1993) ("It is a longstanding principle of constitutional law in Nebraska that public funds cannot be expended for private purposes." (citations omitted)). No Expense Fund monies are used for the general operation of the Treasurer's Office, or its other programs.

<sup>10</sup> This office generally declines to opine as to whether a current statute is unconstitutional, absent a pressing need to do so. Should the Legislature instruct the Treasurer to transfer funds from the Expense Fund to the

General Fund, the issue of whether such transfer would be constitutional would then be ripe for our opinion. *See* Neb. Rev. Stat. §§ 84-215, 84-216.

Opinion 18-009

SUBJECT: Interpretation of the Phrase "An Officer of a State Police Agency of Another State" in Neb. Rev. Stat. § 60-146 (Cum. Supp. 2016), *amended* by 2018 Neb. Laws LB 909, § 24.

REQUESTED BY: Senator Kate Bolz  
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Laura A. Nigro, Assistant Attorney General

**INTRODUCTION**

You have requested an opinion from this office asking whether the term "officer of a state police agency of another state" in Neb. Rev. Stat. § 60-146 (Cum. Supp. 2016), *amended* by 2018 Neb. Laws LB 909, § 24, refers to only active officers of a statewide law enforcement agency. Depending on our response, you are considering amendatory legislation. For the reasons set forth below, we conclude that "an officer of a state police agency of another state" means only law enforcement officers working within a state police agency of a state other than Nebraska.

**DISCUSSION**

Neb. Rev. Stat. § 60-146 addresses obtaining certificates of title for vehicles. Section § 60-146 requires that an application for a certificate of title include a statement of identification inspection, unless an exception applies. Neb. Rev. Stat. 60-146(3) specifically addresses who can conduct an identification inspection for in-state and out-of-state vehicles. Section 60-146(3) provides:

The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a certificate of training issued pursuant to section 60-183,<sup>1</sup> shall be in a format as determined by the department, and shall expire ninety days after the date of the inspection. The county treasurer shall accept a certificate of inspection, approved by the superintendent, from an officer of a state police agency of another state unless an inspection is required under section 60-174.<sup>2</sup>

As you point out in your letter, § 60-146 provides different inspection rules for in-state and out-of-state vehicles. In-state vehicles may be inspected by a county sheriff or a holder of a certificate of training issued by

the Nebraska State Patrol ["Patrol"] pursuant to § 60-183. Out-of-state vehicles can only be inspected by an officer of a state police agency of the state from which the vehicle originates.

"In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense." *Piska v. Nebraska Dep't of Social Services*, 252 Neb. 589, 594, 567 N.W.2d 544, 547 (1997). "[A]n appellate court must look to the statute's purpose and give to the statute a reasonable construction which best achieves that purpose, rather than a construction which would defeat it." *Henery v. City of Omaha*, 263 Neb. 700, 705, 641 N.W.2d 644, 648 (2002). "Statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary." *PSB Credit Services, Inc. v. Rich*, 251 Neb. 474, 477, 558 N.W.2d 295, 297 (1997).

Applying these rules of statutory interpretation, the language of § 60-146 is plain and unambiguous. "State police" is defined as "[t]he department or agency of a state government empowered to maintain order, as by investigating crimes, and making arrests." Black's Law Dictionary (10<sup>th</sup> ed. 2014). Thus, the phrase "an officer of a state police agency of another state" plainly means a person serving as an officer of a state police agency in a state other than Nebraska.<sup>3</sup>

You ask us to consider whether "an officer of a state police agency of another state" could be interpreted more broadly to include non-state police officers or persons that are licensed to conduct inspections by a state police agency. You note that, under § 60-146, in-state vehicles can have an identification inspection conducted by a holder of a certificate of training issued pursuant to § 60-183. As stated previously however, § 60-146 lays out different processes for in-state and out-of-state vehicles.

"The legal principle of *expressio unius est exclusio alterius* (the expression of one thing is the exclusion of the others) recognizes the general principle of statutory construction that an expressed object of a statute's operation excludes the statute's operation on all other objects unmentioned by the statute." *Pfizer Inc. v. Lancaster Cty. Bd. of Equal.*, 260 Neb. 265, 272, 616 N.W.2d 326, 335 (2000). *See also A & D Technical Supply Co. v. Nebraska Dep't of Revenue*, 259 Neb. 24, 31, 607 N.W.2d 857, 863 (2000). "[W]here a statute or ordinance enumerates the things upon which it is to operate, or forbids certain things, it is to be construed as excluding from its effect all those not expressly mentioned, unless the legislative body has plainly indicated a contrary purpose or intention." *Nebraska City Ed. Ass'n v. School Dist. of Nebraska City, in Otoe Cty.*, 201 Neb. 303, 306, 267 N.W.2d 530, 532 (1978) (*citing Starman v. Shirley*, 162 Neb. 613, 76 N.W.2d 749 (1956)).

Neb. Rev. Stat. § 60-146 states that out-of-state vehicles must be inspected by "an officer of a state police agency of another state." Under

§ 60-146, the conduct of identification inspections by persons holding a certificate of training is limited to holders of certificates issued by the Patrol and applies only to the inspection of in-state vehicles. The Legislature clearly chose to have different processes apply to inspections of in-state and out-of-state vehicles. The Legislature could have made one process apply to all vehicles. It chose not to do so.

### CONCLUSION

Based on the above discussion, it is our opinion that under § 60-146, an "officer of a state police agency of another state" does not include any law enforcement officer other than one employed by a state police agency of a state other than Nebraska. Further, it also does not permit non-state police officers or persons licensed to conduct inspections by another state's police agency to conduct out-of-state identification inspections.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Laura A. Nigro  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
36-035-29

<sup>1</sup> "No person shall conduct an inspection unless he or she is the holder of a current certificate of training issued by the patrol. The certificate of training shall be issued upon completion of a course of instruction, approved by the patrol, in the identification of stolen and altered vehicles. The superintendent may require an individual to take such additional training as he or she deems necessary to maintain a current certificate of training." Neb. Rev. Stat. § 60-183 (2010).

<sup>2</sup> Neb. Rev. Stat. § 60-174 (Cum. Supp. 2018) applies to salvage titles.

<sup>3</sup> This is consistent with instructions published by the Department of Motor Vehicles ["DMV"] advising identification inspections for out-of-state vehicles are to be performed by "the State Police in the state where the vehicle is located..." See <https://dmv.nebraska.gov/dvr/title/vehicle-inspection>. The DMV's instructions refer to the Patrol's Vehicle Inspection Form (NSP455), which is to be completed "BY STATE LAW ENFORCEMENT OFFICER ONLY," with a certification that the inspector is "an officer of a STATE POLICE AGENCY employed by the STATE of \_\_\_\_\_." (accessible at [https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/forms/455-Motor\\_Vehicle\\_Identification\\_Certificate.pdf](https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/forms/455-Motor_Vehicle_Identification_Certificate.pdf)).

**2018 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
371	Interim study to compile information regarding the number and nature of fence dispute claims filed pursuant to 34-112.02 and the extent to which mediation services have been utilized			X <sup>1</sup>
416	Interim study to examine which advertising practices should be considered unlawful acts under the Weights and Measures Act			X

<sup>1</sup> A background report prepared by staff on the topic of the resolution is published on the Agriculture Committee's website.

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
361	Interim study to examine the extent of the parking shortage in the Capitol environs		X	
384	Interim study to examine the prevalence of cancer in Nebraska and to examine the existing state funding sources that go towards cancer research		X	
386	Interim study to examine the impact on state spending as a result of the use of tobacco products in Nebraska		X	
389	Interim study to examine criteria for economic development tools funded by the Legislature		X	
430	Interim study to examine the federal Family First Prevention Services Act of 2017 and its implementation in Nebraska		X	

442	Interim study to examine the underlying appropriation issues contributing to the financial hardship experienced by rural long-term care providers across the State of Nebraska		X	
444	Interim study to examine issues surrounding film and media production in Nebraska		X	
445	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund		X	
457	Interim study to examine state fiscal resources that exist to support first generation students		X	
461	Interim study to conduct a review of the Affordable Housing Trust Fund and make recommendations to support and increase affordable housing funding in Nebraska		X	

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
352	Interim study to determine whether the Real Property Appraiser Act should be updated		X	
376	Interim study to examine whether the Property and Casualty Insurance Rate and Form Act should be amended to modernize and reduce regulatory requirements for commercial lines of property and casualty insurance		X	
378	Interim study to examine what changes to the Uniform Protected Series Act are necessary for the act to best fit within Nebraska entity law and practices		X	

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
379	Interim study to examine the potential impact of changing provisions under the Industrial Relations Act for the determination of working conditions for noncertificated or noninstructional school employees by including criteria related to the property tax base of the employer		X	
383	Interim study to examine the feasibility of adopting a workers' compensation drug formulary		X	
431	Interim study to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services and determine the effectiveness of current billing and reimbursement methods		X	

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
362	Interim study to examine issues under the jurisdiction of the Education Committee			X
452	Interim study to examine alternative teacher certification programs		X	
403	Interim study to examine the enrollment option program			X
381	Interim study to examine the inclusion of financial literacy and entrepreneurship in the academic content standards adopted by the State Board of Education as proposed in LB 1094, 2018			X
456	Interim study to examine the Student Discipline Act			X

393	Interim study to examine delinquent or unpaid school meal accounts in Nebraska schools and school districts			X
434	Interim study to examine school structure and finance			X
372	Interim study to examine school violence and identify steps that can be taken to preserve our schools as safe environments for learning and growth			X
438	Interim study to examine the benefits of the creation of an educational trust fund			X
439	Interim study to examine the ongoing implementation and impact of LB 276, 2014, which made medicaid reimbursement available for a broader array of services delivered to medicaid-eligible special education students			X
446	Interim study to examine existing best practices for anti-bullying policies and practices in K-12 education and the feasibility of adopting these standards			X
428	Interim study to examine the potential of micro-credentialing in Nebraska			X
357	Interim study to examine the current status of early childhood education			X

## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
401	Interim study to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act and to prepare for implementation of the act			X
437	Interim study to analyze possible improvements and changes to the standing committee system of the Legislature			X

443	Interim study to examine the issues surrounding the adoption of a state strategic plan			X
458	Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements relating to possible legislation			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
339	Interim study to examine the issuance and usage of special designated licenses under the Nebraska Liquor Control Act pursuant to 53-124.11			X
375	Interim study to examine issues under the jurisdiction of the General Affairs Committee			X
382	Interim study to conduct a comprehensive review of state laws affecting farm wineries			X
449	Interim study to examine the jurisdiction of the State Racing Commission and the role of the commission in promoting the best interests of the horse racing industry			X

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
353	Interim study to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies		X	
374	Interim study to examine the regional boundaries of the Nebraska Planning and Development Regions		X	

391	Interim study to examine the effects on elections should Nebraska switch to an all vote-by-mail system		X	
407	Interim study to examine the self-funded model that has led to the development and management of technology to allow citizens electronic access to government information and services		X	
417	Interim study to examine whether inmates in county jails, who are eligible to vote, are being unconstitutionally disenfranchised due to their circumstances		X	
455	Interim study to identify evidence-based best practices for establishing an early warning system to identify and respond to fiscal distress among local political subdivisions		X	
469	Interim study to examine the processes by which state government contracts with small businesses		X	

## Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
377	Interim study to review procedures and practices at the Youth Rehabilitation Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva with the intent to improve safety and security		X	
395	Interim study to examine issues to identify the needs of and improve upon the emergency medical services system provided by volunteers in Nebraska		X	

405	Interim study to examine the conditions which lead to the congregation, isolation, and segregation of Nebraskans with mental illness who reside in institutional settings and those at risk of placement in institutional settings due to a lack of community support and services			X
413	Interim study to examine strategies to strengthen Nebraska's workforce and build financial mobility and independence, particularly among working parents with young children		Ongoing	
414	Interim study to examine the overall impact of the area agencies on aging and their interaction with the Aging and Disability Resource Center		X	
419	Interim study to examine the term "shaken baby syndrome" as it exists within Nebraska statutes		X	
420	Interim study to examine possible collaboration between the Dept. of Health and Human Services and the Dept. of Education to address behavioral or mental health issues for Nebraska students		Ongoing	
422	Interim study to examine the issuance and usage of electronic prescriptions in accordance with regulatory standards		X	
436	Interim study to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members		X	
440	Interim study to examine issues relating to the Nebraska Coalition for Patient Safety			X

448	Interim study to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities eligibility under the Medical Assistance Act		X	
451	Interim study to examine the work of the Nebraska Children's Commission and to evaluate the need for the commission's continuation and any revisions to its structure and purpose		X	
460	Interim study to create legislation to assure no person will be discriminated against on the basis of a disability when he or she is being considered as an adoptive parent in an adoption or obtaining guardianship or foster parenting status or placement			X
482	Interim study to examine existing barriers that prohibit the establishment of mobile massage establishments		X	

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
370	Interim study to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system		Hearing held 9/7/2018	
390	Interim study to examine the success of the Office of Violence Prevention since its establishment		Hearing held 9/7/2018	
402	Interim study to examine the issue of granting local school boards the authority to allow school employees to carry concealed handguns on school grounds		Hearing held 9/28/2018	
406	Interim study to examine the feasibility of adopting the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases		Hearing held 9/7/2018	

415	Interim study to examine the effectiveness of statute 29-901, as relates to the imposition of bail and the requiring of money bonds for misdemeanors and city ordinance violations		Hearing held 9/7/2018	
418	Interim study to examine the disproportionality that exists in Nebraska's foster care and juvenile justice systems		Hearing held 9/28/2018	
423	Interim study to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing the doctrine to meet contemporary requirements			X
429	Interim study to examine the role and purpose of school resource officers		Hearing held 9/28/2018	
432	Interim study to examine issues faced by renters in Nebraska including rental deposits and fees, recourse for renters when rights are violated, and other issues			X
435	Interim study to review how the Nebraska State Patrol conducts internal affairs investigations into potential civil and criminal violations of its members			X
447	Interim study to examine security measures to ensure safety in schools		Hearing held 9/28/2018	
459	Interim study to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights			X
467	Interim study to examine the Nebraska Juvenile Code			X
468	Interim study to review criminal offenses throughout the Nebraska statutes			X

## Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
387	Interim study to examine issues relating to the spread of Eastern Redcedar trees	X		
464	Interim study to review public power		X	
466	Interim study to review issues pertaining to water quality			X
394	Interim study to examine policies and practices designed to assist low-income Nebraskans at risk of utility shutoffs due to overdue payments			X
450	Interim study to examine methods of increasing solar energy development in Nebraska			X
463	Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County			X

## Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
368	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board		X	
369	Interim study to carry out the provisions of 13-2402 which require the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions	X		
373	Interim study to examine the potential for public safety officers to retain a portion of pension funds for health care under section 402(1) of the Internal Revenue Code		X	

396	Interim study to examine possible changes to the School Employees Retirement Act and the Class V School Employees Retirement Act		X	
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Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
388	Interim study to examine issues related to updating the Nebraska Advantage Act		X	
462	Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws		X	
454	Interim study to examine taxes and fees on wireless services		X	
408	Interim study to examine resources available to the state and political subdivisions to fund roads		X	
465	Interim study to review issues pertaining to funding Nebraska's infrastructure system		X	

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
426	Interim study to examine issues raised by LB 1031, 2018, which considered whether the One-Call Notification System Act should be updated		X	
424	Interim study to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska		X	
441	Interim study to examine telecommunications services in Nebraska		X	
425	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee			X

427	Interim study to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law			X
453	Interim study to examine net neutrality			X

## Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
319	Interim study to determine a sustainable revenue source for the Nebraska Main Street Network		X	
392	Interim study to examine neighborhood issues and potential neighborhood improvement tools		X	
397	Interim study to examine the statutory authority for municipalities to establish port authorities		X	
398	Interim study to examine the impact on sanitary and improvement districts upon annexations by municipalities		X	
399	Interim study to examine issues related to metropolitan transit authorities		X	
400	Interim study to examine issues related to the Nebraska Municipal Land Bank Act		X	
404	Interim study to examine the potential impact of Opportunity Zones under the federal Tax Cuts and Jobs Act on municipalities in Nebraska			X
409	Interim study to examine issues related to the disconnection of territory from the corporate limits of cities of the first class, cities of the second class, and villages		X	
410	Interim study to examine issues related to the municipal regulation of railroads		X	
411	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee			X

412	Interim study to examine the statutes governing cities of the primary class			X
421	Interim study to examine the operating expenses and fees charged for inspections, plans reviews, and other services by the Housing and Recreational Vehicle Dept. of the Public Service Commission			X
433	Interim study to evaluate the availability of affordable housing in Nebraska municipalities with an emphasis on rental housing		X	

**NOTICE OF COMMITTEE HEARING(S)**

Rules

Room 1525

Wednesday, January 16, 2019 1:30 p.m.

Proposed Rules Changes

Note: Rule change proposals are available from Senator Crawford

(Signed) Sue Crawford, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to the Water Funding Task Force; to repeal provisions relating to the task force that terminated on December 31, 2013; and to outright repeal sections 50-504, 50-505, 50-506, 50-507, and 50-508, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to the McGruff House program; to repeal provisions that are obsolete relating to a program that ended in 2012; and to outright repeal section 43-3201, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 3.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to appropriations; to amend section 85-1418, Reissue Revised Statutes of Nebraska, and sections 13-518 and 85-1503, Revised Statutes Cumulative Supplement, 2018; to repeal provisions that are obsolete; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-517, 90-535, 90-536, 90-537, 90-538, 90-539, and 90-541, Reissue Revised Statutes of Nebraska, and sections 90-542, 90-543, 90-544, 90-545, 90-546, 90-547, 90-548, 90-549, 90-550, 90-551, 90-552, 90-553, 90-554, 90-555, 90-556, 90-557, 90-559, and 90-560, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 4.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5004 and 77-5013, Reissue Revised Statutes of Nebraska; to provide for mileage reimbursement as prescribed; to change filing fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 5.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-5203, 77-5213, and 77-5215, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to tax credit amounts; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 6.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2018; to change residency requirements for persons on active duty and their dependents; and to repeal the original section.

**LEGISLATIVE BILL 7.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to adopt the Counterfeit Airbag Prevention Act; to provide penalties and eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 28-635, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 8.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 9.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to political subdivisions; to prohibit cities,

villages, and counties from taxing or otherwise regulating the use of distributed ledger technology; to define a term; and to provide duties for the Revisor of Statutes.

**LEGISLATIVE BILL 10.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,230, Revised Statutes Cumulative Supplement, 2018; to authorize the operation of lighted-billboard motor vehicles; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 11.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1720, Reissue Revised Statutes of Nebraska; to provide for an interlocal agreement with a county to abate, remove, or prevent nuisances as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 12.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 13.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to breast-feeding; to amend sections 28-806, 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to exempt breast-feeding from public indecency offenses; to provide a sales and use tax exemption for breast pumps and related supplies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to agriculture; to provide for truth in advertising and labeling in the sale of meat and food plans; to define terms; to prohibit misleading or deceptive practices; to provide a penalty; and to provide an operative date.

**LEGISLATIVE BILL 15.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to insurance; to adopt the Children of Nebraska Hearing Aid Act.

**LEGISLATIVE BILL 16.** Introduced by Briese, 41; Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for withholding certain public records; and to repeal the original section.

**LEGISLATIVE BILL 17.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to juveniles; to amend section 43-246, Reissue Revised Statutes of Nebraska; to state a right relating to a disabled parent; and to repeal the original section.

**LEGISLATIVE BILL 18.** Introduced by Briese, 41; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Remote Seller Sales Tax Collection Act; to direct certain sales tax revenue to the Property Tax Credit Cash Fund; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 19.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for confidentiality of certain reports of injury under the Nebraska Workers' Compensation Act; to provide duties for the Nebraska Workers' Compensation Court; and to repeal the original section.

**LEGISLATIVE BILL 20.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-1304 and 13-1306, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds by public building commissions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 21.** Introduced by Kolterman, 24; Wayne, 13.

A BILL FOR AN ACT relating to state government; to amend section 73-504, Reissue Revised Statutes of Nebraska; to provide formal protest procedures for certain contracts for services; to provide duties for the Department of Administrative Services; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 22.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to nursing facilities; to amend sections 71-2097, 71-2098, and 71-20,100, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to distribution of the Nursing Facility Penalty Cash Fund; to harmonize provisions; and to repeal the

original sections.

**LEGISLATIVE BILL 23.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018; to change legislative findings; to redefine terms; to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 25.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to legal service insurance corporations; to amend sections 44-3302 and 44-3303, Reissue Revised Statutes of Nebraska; to redefine a term; to exclude certain plans from the insurance laws as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 28.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to real property; to authorize damages for property taxes and special assessments paid on property lost through adverse possession.

**LEGISLATIVE BILL 29.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-2001, Revised Statutes Cumulative Supplement, 2018; to provide for telehealth practice; to eliminate provisions relating to telehealth practice; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-2063, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 30.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 31.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan relating to a transfer of management of the retirement system operated under the Class V School Employees Retirement Act to the Nebraska Public Employees Retirement Systems; to require a report; to provide duties for the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 32.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2018; to change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 33.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1243, 72-1277, 72-1278, 73-507, and 84-1502, Reissue Revised Statutes of Nebraska, and sections 79-989, 84-712.05, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board; to change findings and comprehensive review provisions relating to

the achieving a better life experience program; to provide an exception for contracts for certain auditing services; to provide a public records exception as prescribed under the Class V School Employees Retirement Act; to increase the board member per diem and change duties relating to competitive bidding of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 34.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320, 84-1321.01, and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2308.01, 23-2319.01, and 84-1309.02, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to employee reinstatement under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 35.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320 and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2306 and 84-1307, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reemployment, reinstatement, repayment, and age eligibility regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-927, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-921, Revised Statutes Cumulative Supplement, 2018; to redefine creditable service for certain member employees; to change a deadline for payment for restoration of relinquished creditable service; to change provisions relating to required forms of payment and service credit computation; and to repeal the original sections.

**LEGISLATIVE BILL 37.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Podiatry Practice Act; to amend sections 38-2047 and 38-3001, Reissue Revised Statutes of Nebraska; to provide for a physician assistant to assist a podiatrist as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 38.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1737, 60-380, 60-392, 60-399, 60-3,102, 60-3,105, 60-3,106, 60-3,107,

60-3,108, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,130.06, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,149, 60-3,150, 60-3,167, 60-3,175, 60-3,183, 60-3,222, 60-653, 60-683, 60-1306, 60-1902, 60-1903, 60-1908, 66-1406.02, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 18-1736, 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-395, 60-396, 60-397, 60-398, 60-3,100, 60-3,101, 60-3,104.01, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,147, 60-3,151, 60-3,157, 60-3,205, 60-3,224, 60-3,227, 60-3,228, 60-3,231, 60-3,233, 60-3,235, 60-501, 60-6,197.01, and 60-1901, Revised Statutes Cumulative Supplement, 2018; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 39.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,268 and 60-6,270, Revised Statutes Cumulative Supplement, 2018; to change passenger restraint system enforcement from a secondary offense to a primary offense; to require the use of occupant protection systems for each vehicle occupant; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 40.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-4,124, and 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 41.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-1,101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Charitable Gaming Division and the Nebraska Commission on Problem Gambling, use of the Charitable Gaming Operations Fund, and transfers to the Compulsive Gamblers Assistance Fund and General Fund as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 42.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to condominium law; to amend sections 76-808, 76-816, and 76-861, Reissue Revised Statutes of Nebraska; to provide responsibility for maintenance, repair, and replacement and provide a duty as prescribed for the board of administrators or other administrative body under the Condominium Property Act; to provide a duty for the executive board under the Nebraska Condominium Act; to provide for filing

fees; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to victims' rights; to adopt the Sexual Assault Survivors' Bill of Rights Act.

**LEGISLATIVE BILL 44.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-204, 29-742, 29-744, and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 23-3406, 23-3408, 24-1106, 25-1140.09, 28-104, 28-105, 28-201, 28-202, 28-303, 28-1356, 29-1602, 29-1603, 29-1816, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, 83-1,122.01, and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to eliminate the death penalty; to change and eliminate provisions relating to the death penalty and murder in the first degree and related powers, duties, and procedures of courts, the Commission on Public Advocacy, the Department of Correctional Services, the Director of Correctional Services, the Board of Pardons, and the Governor; to eliminate a homicide-case report; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 29-2811, 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 45.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to repeal the Black-Tailed Prairie Dog Management Act; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 46.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to outright repeal section 37-473, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 47.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1420, Reissue Revised Statutes of Nebraska; to change provisions relating to when a grand jury report may be made public; and to repeal the

original section.

**LEGISLATIVE BILL 48.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to a finding of sufficient cause for nonuse of a water appropriation; and to repeal the original section.

**LEGISLATIVE BILL 49.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to firm ownership; and to repeal the original section.

**LEGISLATIVE BILL 50.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to impose an additional tax on certain income; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 51.** Introduced by Vargas, 7; Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, and sections 60-1407 and 60-1438.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to define terms; to require public funds to be recorded in the state accounting system and invested by the state investment officer as prescribed; and to provide for enforcement.

**LEGISLATIVE BILL 53.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to water drainage; to amend sections 31-224 and 31-226, Reissue Revised Statutes of Nebraska; to change and provide duties for landowners or their tenants relating to removal of a blockage or an obstruction in a watercourse, slough, or drainage ditch or drainage course; to change provisions relating to failure to clear after notice; to provide for court costs and attorney's fees; and to repeal the original sections.

**LEGISLATIVE BILL 54.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to firearms; to amend section 28-1202,

Reissue Revised Statutes of Nebraska; to change provisions relating to carrying a concealed weapon; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 55.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to minors; to amend section 43-2101, Revised Statutes Cumulative Supplement, 2018; to authorize persons eighteen years of age to acquire or convey title to real property; and to repeal the original section.

**LEGISLATIVE BILL 56.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.13, Reissue Revised Statutes of Nebraska, and section 53-124.11, Revised Statutes Cumulative Supplement, 2018; to change requirements for application for and issuance of a special designated license; and to repeal the original sections.

**LEGISLATIVE BILL 57.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to rental property; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to define terms; to prohibit ordinances and other regulations prohibiting short-term rentals of residential property as prescribed; to provide for agreements with online hosting platforms regarding taxation; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 58.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to relating to firearms; to amend sections 69-2406, 69-2407, and 69-2439, Reissue Revised Statutes of Nebraska, and section 25-2740, Revised Statutes Cumulative Supplement, 2018; to adopt the Extreme Risk Protection Order Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 59.** Introduced by Cavanaugh, 6; Howard, 9.

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to investigations; to require reports; and to repeal the original section.

**LEGISLATIVE BILL 60.** Introduced by Cavanaugh, 6; Howard, 9.

A BILL FOR AN ACT relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change

provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 61.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4402.03, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to vaccination and rules and regulations; to change provisions relating to seizure, confinement, testing, and disposition of a domestic animal and postexposure management of domestic animals and livestock; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4402.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 62.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-503.02, Reissue Revised Statutes of Nebraska; to provide for distribution of information regarding and treatment of trichomoniasis; and to repeal the original section.

**LEGISLATIVE BILL 63.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-506, 35-509, 35-1204, 35-1206, and 77-3442, Reissue Revised Statutes of Nebraska; to change provisions relating to payments to board members and tax levies; to change the Mutual Finance Assistance Act as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 64.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend sections 81-1901, 81-1902, 81-1903, 81-1904, 81-1905, 81-1906, 81-1907, 81-1908, 81-1909, 81-1910, 81-1911, 81-1912, 81-1913, 81-1914, 81-1915, 81-1916, 81-1920, 81-1921, 81-1923, 81-1924, 81-1925, 81-1926, 81-1928, 81-1930, 81-1932, 81-1934, 81-1935, and 81-1936, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensing, training, and internships; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1917, 81-1918, 81-1919, and 81-1922, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 65.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101, 81-2106, and 81-2108, Reissue Revised Statutes of Nebraska; to authorize a licensing exception; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 66.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to comprehensive plans for cities to provide for an early childhood element as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 67.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

**LEGISLATIVE BILL 68.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend sections 19-4019, 19-4022, 19-4032, 19-4035, and 19-4036, Reissue Revised Statutes of Nebraska, and sections 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.02, 19-4029.03, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, and 19-4037, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Business Improvement District Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 69.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 70.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to certain financial transactions; to amend sections 66-1509, 77-5211, and 81-15,119, Reissue Revised Statutes of Nebraska; to adopt the Uniform Voidable Transactions Act; to eliminate the Uniform Fraudulent Transfer Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 36-701, 36-702, 36-703, 36-704, 36-705, 36-706, 36-707, 36-708, 36-709, 36-710, 36-711, and 36-712, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 71.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a civil cause of action for damages from shoplifting; to harmonize provisions; to repeal the original section; and to outright repeal section 25-21,194, Reissue Revised Statutes

of Nebraska.

**LEGISLATIVE BILL 72.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to schools; to require display of the national motto; to authorize contributions; and to provide duties for the Attorney General.

**LEGISLATIVE BILL 74.** Introduced by Williams, 36; Kolterman, 24.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and sections 38-2801 and 38-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for validation of acts, tasks, and functions by certified pharmacy technicians as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 75.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Grape and Winery Board; to amend section 53-302, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of office; and to repeal the original section.

**LEGISLATIVE BILL 76.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6202, Reissue Revised Statutes of Nebraska; to change provisions relating to the nameplate capacity tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 77.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.27, 76-2207.30, 76-2222, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, and 76-3202, Reissue Revised Statutes of Nebraska; to change provisions of the Real Property Appraiser Act and alphabetize and redefine terms in the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 78.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-147, Reissue Revised Statutes of Nebraska, sections 21-192, 21-507, 21-509, 21-510, 21-513, 21-514, 21-517, 21-520, 21-521, 21-522, 21-523, 21-525, 21-526, 21-528, 21-529, 21-532, 21-534, 21-537, and 21-539, Revised Statutes Cumulative Supplement, 2018; to provide changes and corrections to the Nebraska Uniform Protected Series Act; to change filing fees and dissolution provisions under the Nebraska Uniform Limited Liability Company Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 21-541, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 79.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to transportation; to amend sections 60-107, 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes Cumulative Supplement, 2018; to allow for electronic images of registration certificates; to change provisions relating to the distribution of certain registration fees; to adopt and update references to certain federal provisions relating to cabin trailers, low-speed vehicles, handicapped or disabled parking, motor vehicle and trailer registration, the International Registration Plan, operators' licenses and state identification cards, persons handling source documents, commercial motor vehicles, hazardous materials, occupant protection systems and three-point safety belt systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records, motor carrier and hazardous material regulations and their enforcement, and the unified carrier registration plan and agreement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 80.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to identification inspections; and to repeal the original section.

**LEGISLATIVE BILL 81.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 82.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2109, 39-2114, 39-2119, 39-2122, 39-2502, 39-2510, 39-2512, and 39-2520, Reissue Revised Statutes of Nebraska, and sections 39-810, 39-847, 39-1320, 39-2113, 39-2115, 39-2118, 39-2120, and 39-2121, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds to political subdivisions as prescribed; to change and provide duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 39-2117 and 39-2119.01, Reissue Revised Statutes of Nebraska, and section 39-2116, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

**LEGISLATIVE BILL 83.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to provide for the restoration of voting rights upon completion of a felony sentence; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 84.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax deduction for certain wages paid to individuals convicted of a felony; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 86.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901 and 76-903, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the distribution of funds from the Affordable Housing Trust Fund and the documentary stamp tax; and to repeal the original sections.

**LEGISLATIVE BILL 87.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-12,149, Reissue Revised Statutes of Nebraska, and sections 58-708, 81-1201.21, and 81-12,156, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the distribution of funds from the Affordable Housing Trust Fund, from the Site and Building Development Fund, from the Job Training Cash Fund, and under the Business Innovation Act; and to repeal the original sections.

**LEGISLATIVE BILL 88.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for certain purchases of a residence; and to repeal the original section.

**LEGISLATIVE BILL 89.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-416 and 28-1354, Revised Statutes Cumulative Supplement, 2018; to change certain marijuana penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 90.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2204.02, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to make post-release supervision optional for Class IV felonies as prescribed; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 91.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to provide for deferred judgments by courts as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 92.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-283, Reissue Revised Statutes of Nebraska; to require application of the Nebraska Evidence Rules at parental termination hearings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 93.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-328, Reissue Revised Statutes of Nebraska; to provide for intervention by a biological parent in certain proceedings involving juveniles as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 94.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-918, Revised Statutes Cumulative Supplement, 2018; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 95.** Introduced by Wayne, 13; Stinner, 48.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to define a term; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 96.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6404 and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to local building and construction codes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 97.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2704, and 66-4,100, Reissue Revised Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative Supplement, 2018; to authorize issuance of highway bonds; to create a fund; to change provisions of the Nebraska Highway Bond Act and the Build Nebraska Act; to pledge revenue for the bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 98.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change signature requirements for nomination of partisan candidates by petition; and to repeal the original section.

**MOTION - Escort Committees**

Senator Williams moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 99.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Prompt Payment Act; to amend sections 81-2402, 81-2403, 81-2404, and 81-2405, Reissue Revised Statutes of Nebraska; to define a term; to change requirements for bills submitted by small businesses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 100.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Nebraska State Historical Society as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 101.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change actions required to be taken by an elected officeholder of certain cities or villages or a school district relating to a potential conflict of interest; and to repeal the original section.

**LEGISLATIVE BILL 102.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend sections 85-1,134 and 85-1,136, Reissue Revised Statutes of Nebraska; to change references from the Big Twelve Conference to the Big Ten Conference in provisions requiring payment of a stipend or restricting hours of participation for persons competing in intercollegiate athletics; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax requests; and to repeal the original section.

**LEGISLATIVE BILL 104.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Education Improvement Fund; to amend sections 9-812 and 85-1920, Revised Statutes Cumulative Supplement, 2018; to change the distribution of funds as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the State of Nebraska; to designate a state vegetable.

**LEGISLATIVE BILL 106.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4108, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA records; and to repeal the original section.

**LEGISLATIVE BILL 107.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1906, 18-1908, 18-1911, and 18-1914, Reissue Revised Statutes of Nebraska; to change provisions relating to plumbing boards and their terms of office, organization, appointment, and meetings; to change provisions relating to plumbing licenses, renewal licenses, license fees, and variance fees; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 108.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-176, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to prescribe requirements for and limitations on placement of Department of Correctional Services inmates in county jails as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 109.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to state employees; to amend sections 81-1307 and 84-1601, Reissue Revised Statutes of Nebraska; to require the position classification plan and salary or pay plan to include certain positions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 110.** Introduced by Wishart, 27; Chambers, 11; Hansen, M., 26; Howard, 9; Hunt, 8; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 77-2701.48, 77-2704.09, 77-27,132, 77-27,237, and 77-4303, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Cumulative Supplement, 2018; to adopt the Medical Cannabis Act; to change provisions relating to controlled substances and taxation; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 111.** Introduced by Howard, 9; Hunt, 8.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1278 and 60-151, Revised Statutes Cumulative Supplement, 2018; to change a certificate of title application signature requirement as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 112.** Introduced by Howard, 9; Blood, 3; Crawford, 45; Quick, 35.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-151, 38-154, and 38-155, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-105, 38-118.01, 38-129.01, and 38-131, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide for the waiver of certain fees for low-income individuals, military families, and young workers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 113.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-913, Revised Statutes Cumulative Supplement, 2018; to require the Department of Correctional Services to provide access to certain records; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 114.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,107, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reductions of good time; and to repeal the original section.

**LEGISLATIVE BILL 115.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-216, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to enrollment; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 116.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to authorize electronic delivery of insurance policies and billing information to insureds as prescribed.

**LEGISLATIVE BILL 117.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to construction contract bidding, qualification, evaluation, and proposals; to change certification of financial showing as prescribed; to change provisions relating to obtaining contract plans prepared by the Department of Transportation; and to repeal the original sections.

**LEGISLATIVE BILL 118.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to county records; to provide for withholding the residential address of a physician or an osteopathic physician from the public; and to provide an operative date.

**LEGISLATIVE BILL 119.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, and 71-7912, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for immunity from liability and confidentiality of information relating to peer review; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 120.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, and section 79-2,144, Revised Statutes Cumulative Supplement, 2018; to require training on mental health as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 121.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to limits on indebtedness from direct borrowing; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 122.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to postsecondary education; to amend

section 85-502.01, Revised Statutes Cumulative Supplement, 2018; to change requirements for veterans and their spouses and dependents and other eligible persons to qualify as resident students as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 123.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.04, Revised Statutes Cumulative Supplement, 2018; to add an exemption from data base requirements for certain contracts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 124.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3210, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to jointly created and administered clean energy assessment districts; and to repeal the original section.

**LEGISLATIVE BILL 125.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to victims' rights; to amend section 29-119, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 126.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to provide for special landowner deer hunting permits as prescribed; to provide a duty for the Game and Parks Commission; and to repeal the original section.

**LEGISLATIVE BILL 127.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to hunting; to amend section 37-455, Reissue Revised Statutes of Nebraska; to redefine immediate family for purposes of limited permits; and to repeal the original section.

**LEGISLATIVE BILL 128.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Wildlife Conservation Plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 129.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

the Department of Transportation.

**LEGISLATIVE BILL 130.** Introduced by DeBoer, 10; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to building construction standards; to amend sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code; to provide radon resistant new construction standards; to provide, change, and eliminate definitions; to restate intent; to eliminate a task force; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 1CA.** Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 2:

I-2 There shall be neither slavery nor involuntary servitude in this state, ~~otherwise than for punishment of crime, whereof the party shall have been duly convicted.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For

Against.

**LEGISLATIVE RESOLUTION 2.** Introduced by Blood, 3.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the contested presidential elections of 1800, 1876, and 2000, the Civil War, and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during the course of its two-hundred-thirty-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 2010, the Legislature passed Legislative Resolution 538 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, nearly all the members of the Legislature who voted for the foregoing resolutions are deceased and over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on any of the foregoing resolutions, indeed may not even be aware of their contents; and

WHEREAS, a litany of such resolutions have been passed by the legislatures of the several states and are currently pending, awaiting in some cases only the action of a few states;

WHEREAS, action by the current legislature of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened, perhaps concurrently, without the concurrence of two-thirds of the current legislatures; and

WHEREAS, the powers and limitations on a convention of the states or multiple conventions being held simultaneously or jointly are unclear and uncertain; and

WHEREAS, a constitutional convention convened by Congress could make sweeping changes to the Constitution and threaten the liberty of future generations of Nebraskans; and

WHEREAS, the Legislature is aware that other state legislatures have made applications requesting that Congress convene a constitutional convention; and

WHEREAS, the issues raised and contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, the Legislature no longer supports its previous resolutions which requested that Congress convene a constitutional convention, most of which were adopted over three decades ago, and does not wish for these resolutions to be included with similar applications which were made by other state legislatures.

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

1. That each resolution passed by the Legislature described in this resolution and any additional resolutions previously passed by the Legislature petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States shall be rescinded upon passage of this resolution.

2. That the members of the Legislature urge each state legislature which has previously requested Congress to convene a constitutional convention to withdraw such applications.

3. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR2 was referred to the Reference Committee.

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

**LEGISLATIVE RESOLUTION 3CA.** Introduced by Erdman, 47.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 (1) Notwithstanding any other provision of this Constitution, the Legislature shall provide by law for a refundable credit against the income tax imposed by the State of Nebraska in an amount equal to thirty-five percent of the property taxes that were:

(a) Levied on real property located in this state; and

(b) Paid by the taxpayer during the taxable year.

(2) The Legislature shall make the credit available for taxable years beginning on or after January 1, 2021.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require the Legislature to provide a refundable state income tax credit in an amount equal to thirty-five percent of the property taxes that were levied on real property located in this state and paid by the taxpayer during the taxable year.

For

Against.

### RECESS

At 11:18 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

### ROLL CALL

The roll was called and all members were present except Senator Chambers who was excused until he arrives.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 131.** Introduced by Pansing Brooks, 28; DeBoer, 10; Lathrop, 12; Wayne, 13.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2204, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to minimum sentences; and to repeal the original section.

**LEGISLATIVE BILL 132.** Introduced by Pansing Brooks, 28; DeBoer, 10; Howard, 9; Hunt, 8; Quick, 35; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to certain penalties for persons under nineteen years of

age; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 133.** Introduced by Pansing Brooks, 28; Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-182.01 and 83-1,114, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to structured programming and deferral of parole as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 134.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2018; to provide certain levy authority and duties for natural resources districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 135.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend section 38-1220, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption from licensing requirements; and to repeal the original section.

#### **PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

#### **INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

Governor Pete Ricketts delivered his inaugural address. The text will appear in the following day's Journal.

The Governor, Lt. Governor, their families, and other newly elected state officials were escorted from the Chamber.

#### **ADJOURNMENT**

At 2:49 p.m., on a motion by Senator Lowe, the Legislature adjourned until 10:00 a.m., Friday, January 11, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - JANUARY 11, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 11, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Wayne who was excused; and Senator Wishart who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Hilkemann offered the following Committee on Committees report:

Agriculture (8)

Rm. 1524 - Tuesday

Halloran (C), Blood, Brandt, Chambers, Hansen, B., Lathrop, Moser, Slama

Appropriations (9)

Rm. 1003 - Monday, Tuesday, Wednesday, Thursday, & Friday

Stinner (C), Bolz, Clements, Dorn, Erdman, Hilkemann, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Williams (C), Gragert, Howard, Kolterman, La Grone, Lindstrom, McCollister, Quick

Business and Labor (7)

Rm. 1524 - Monday

Hansen, M. (C), Chambers, Crawford, Halloran, Hansen, B., Lathrop, Slama

Education (8)

Rm. 1525 - Monday &amp; Tuesday

Groene (C), Brewer, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

General Affairs (8)

Rm. 1510 - Monday

Briese (C), Arch, Blood, Brandt, Hunt, Lowe, Moser, Wayne

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, &amp; Friday

Brewer (C), Blood, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, &amp; Friday

Howard (C), Arch, Cavanaugh, Hansen, B., Murman, Walz, Williams

Judiciary (8)

Warner Chamber - Wednesday, Thursday, &amp; Friday

Lathrop (C), Brandt, Chambers, DeBoer, Morfeld, Pansing Brooks, Slama, Wayne

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, &amp; Friday

Hughes (C), Albrecht, Bostelman, Geist, Gragert, Halloran, Moser, Quick

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)

Rm. 1524 - Wednesday, Thursday, &amp; Friday

Linehan (C), Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, McCollister

Transportation and Telecommunications (8)

Warner Chamber - Monday &amp; Tuesday

Friesen (C), Albrecht, Bostelman, Cavanaugh, DeBoer, Geist, Hilgers, Hughes

Urban Affairs (7)

Rm. 1510 - Tuesday

Wayne (C), Arch, Briese, Crawford, Hansen, M., Hunt, Lowe

Committee on Committees (13)

Hilkemann (C)

District 1:

Bostelman

Hilgers

Pansing Brooks

Morfeld (VC)

District 2:

Howard

Lathrop

Lindstrom

Vargas

District 3:

Erdman

Friesen

Groene

Murman

Enrollment and Review (1)

Slama (C)

Reference (9)

Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)

Crawford (C), Erdman, Howard, Hansen, M., Lathrop, Scheer (ex officio)

Executive Board of the Legislative Council (9)

Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

**INAUGURAL ADDRESS**

Governor Pete Ricketts delivered the following address at the Inaugural Ceremonies on January 10, 2019.

President Foley, Speaker Scheer, Chief Heavican, Members of the Unicameral, distinguished guests, including Stratcom Commander General Hyten, friends, family, my lovely wife, Susanne, fellow Nebraskans: Happy New Year and congratulations on the commencement of the First Session of the 106th Legislature.

I want to especially congratulate our newly-sworn in elected officials and officers and our new members of the Legislature. I have a deep admiration and respect for our State Senators and the work you do here in the chamber. You sacrifice much to serve the people in your communities. Thank you for your service. I also especially want to highlight and recognize the 13 new members of the Unicameral. Can we give them all a big round of applause, please?

It's a deep honor for me to continue to serve as the 40th Governor of the great State of Nebraska. And you will often hear me say that Nebraska is what America is supposed to be. That we have the best place in the world to live right here in our state. And the reason we have the best place in the world is because of our people. Nebraskans are involved in their communities, in their schools, and in their churches. We're kind to one another. We treat each other with dignity and respect.

And in the past, I've talked about our heroes who exemplify these characteristics. People like Minnie Freeman, Chief Standing Bear, or Father Flanagan. But these characteristics that we value don't belong only to the heroes of the past. They're alive and well today in Nebraska.

I think about Todd Brown, who found a wallet on an airplane, and not only returned it to the rightful owner in South Dakota, but put a little extra spending money in there so the young man could celebrate the return of his

wallet. Nebraskans do that.

Or, the three neighbors in Omaha who rushed to the scene of an accident and helped rescue the passengers from a burning vehicle at the risk of their own safety. Or Marine Captain Dustin Lukasiewicz, who lost his life in Nepal, providing relief services to residents and rescuing people after the terrible earthquakes.

We're a great people, and a great people deserves great opportunity. And that's why we're all here. All the people in my office, in my agencies, all the people who work here in this chamber, all the people in the judicial branch. We're all here to serve our fellow Nebraskans and make sure they have those great opportunities.

The vision for my administration has been to grow Nebraska and help create those opportunities for our people. And I make my commitment here to you today that we will continue to focus on growing Nebraska for the next four years.

Now our strategy to grow Nebraska has four pillars.

The first pillar is making sure we're connecting Nebraskans to great paying jobs and that they've got the skills to be able to take those jobs.

The second pillar is making sure we're cutting the regulatory red tape, taking down barriers for job creators, and providing our services at the speed of business.

The third pillar is making sure that we're good stewards of the taxpayer dollars. That we're doing a good job of taking care of the people we're supposed to, but we're also being respectful to the people who pay the bills. That we're constraining spending, providing tax relief – especially property tax relief.

And the fourth pillar is that we promote our state. This is why I travel all around the country and around the world, from New York to Seattle, Japan to Europe, telling people that we have got the best place in the world right here. And folks, we've been recognized, we've been rewarded for that.

We are recognized as being the number one most fiscally stable state in the country. We're number two for regulatory environment and cost of doing business. We have had the third highest wage growth in Nebraska of any state in the country since 2014. We've got the fourth highest workforce participation rate. Forbes says we're the fifth best state overall for business. We've got the sixth lowest unemployment rate. And, for two years in a row now, we have led the nation in the most economic development projects per capita of any state in the country.

And when those companies invest in our state, they're creating those job

opportunities for our Nebraska families, that allow our families to send their kids to school, go on that family vacation, and enjoy the Good Life here in our state. Folks, that's what it's all about.

I think about companies like Facebook and their billion-dollar investment in Papillion, creating about a thousand construction jobs now and 200 ongoing jobs when that facility is fully operational. Or Prairie Catalytic in Columbus. They're creating a biorefinery with their \$50 million dollar investment that will turn ethanol into ethyl acetate.

Or Becton Dickinson, who last year announced a \$200 million investment in our state on top of the \$140 million they just did in creating 300 additional jobs at their facilities.

Or Costco in Fremont. Their new plant there will create 800 jobs in Fremont and the opportunity for 125 farmers to be able to put up poultry barns, to be able to diversify their revenue, build equity in their operation, and allow young people to come back to the family farm.

Or right here in Lincoln, Kawasaki, a \$3.6 billion contract to build railcars for the East Coast. Last year at the State of the State, you may remember, we talked about Eric Jones, a line worker at Kawasaki. Because Kawasaki also created their first ever aero structures division, right here in Nebraska, he got the opportunity to go to that division, which made him supervisor, and now has an even better job to take care of his family.

Folks, that's what we're supposed to do: Help create those opportunities for people like Eric Jones, so he can take care of his family and enjoy the Good Life here in our state. It's not going to be easy, but we need to continue to grow Nebraska.

Four years ago, I borrowed the words from a great Nebraska stateswoman, Virginia Smith, who said, "There is no excellence without great labor."

We're going to have to work hard and work together. We're going to have to roll up our sleeves, use a little bit of Nebraska grit. But I'm confident, working together, we can address the priorities of Nebraskans in the next weeks, months, and years.

Next week, I'll return with my budget that focuses on these priorities. We're going to have to continue to control spending and address key priorities like property tax relief.

I'm asking for your help in enacting this vision to grow Nebraska.

So once again, I want to say thank you to our State Senators for your service and sacrifice. I want to say best wishes to our newly sworn-in officials. Remember this special day. And on behalf of Susanne and my family: God bless you all and God bless the great State of Nebraska. Thank you.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 136.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Density Bonus and Inclusionary Housing Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 137.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska; to adopt the Fantasy Contests Act; to redefine terms; to provide a gambling exception for conducting or participating in fantasy contests; to change a provision relating to the possession of gambling records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 138.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,122.03, 60-3,122.04, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for additional Military Honor Plates and Support Our Troops Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 139.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2117, Reissue Revised Statutes of Nebraska; to change provisions relating to a data base of contractors; to provide for a presumption; and to repeal the original section.

**LEGISLATIVE BILL 140.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Indoor Tanning Facility Act; to amend sections 71-3902, 71-3904, 71-3905, 71-3906, and 71-3907, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to age and signed agreements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 141.** Introduced by DeBoer, 10; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; Dorn, 30; Howard, 9; Hunt, 8; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310.01, Reissue Revised Statutes of Nebraska; to change provisions relating to strangulation; to prohibit suffocation; to change penalties; and to

repeal the original section.

**LEGISLATIVE BILL 142.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, 60-3305, 60-3306, 60-3307, 60-3308, 60-3309, 60-3310, and 60-3311, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to change provisions relating to driving-automation-system-equipped vehicles; to provide powers and duties for the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 143.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit throwing or dropping dangerous instruments on motor vehicles; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 144.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 145.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4031, Reissue Revised Statutes of Nebraska; to change provisions relating to banks and other financial institutions; and to repeal the original section.

**LEGISLATIVE BILL 146.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4020, Reissue Revised Statutes of Nebraska; to change time for acceptance of a power of attorney; and to repeal the original section.

**LEGISLATIVE BILL 147.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for use of physical contact or physical restraint or removal from a class in response to student behavior; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 148.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to state and local government; to amend sections 13-503, 13-506, and 84-1411, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to public hearings on proposed budget statements and notice of meetings of public bodies; and to repeal the original sections.

**LEGISLATIVE BILL 149.** Introduced by Quick, 35; Albrecht, 17; Bolz, 29; Cavanaugh, 6; Hilkemann, 4; Howard, 9; Hunt, 8; McDonnell, 5; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to vapor products; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 71-5716, 71-5718, and 71-5727, Reissue Revised Statutes of Nebraska; to change and provide restrictions relating to the sale and use of vapor products and flavored liquids as prescribed; to define and redefine terms; to require sellers of vapor products to be licensed as prescribed; to change legislative findings; to add restrictions relating to vapor products under the Nebraska Clean Indoor Air Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 150.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to access to and fees for public records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 151.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

**LEGISLATIVE BILL 152.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Cumulative Supplement, 2018; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

**LEGISLATIVE BILL 153.** Introduced by Brewer, 43; Blood, 3; Bostelman, 23; Clements, 2; Crawford, 45; Gragert, 40; Linehan, 39; Lowe, 37; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 154.** Introduced by Brewer, 43; Gragert, 40; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to require a report on missing Native American women in Nebraska.

**LEGISLATIVE BILL 155.** Introduced by Brewer, 43; Bostelman, 23.

A BILL FOR AN ACT relating to privately developed renewable energy generation facilities; to amend section 70-1014.02, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to eminent domain; and to repeal the original section.

**LEGISLATIVE BILL 156.** Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,379, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-153, 60-301, 60-302, 60-3,187, 60-3,190, 60-501, 60-520, 60-547, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2018; to authorize the operation of former military vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 157.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections 81-2,165.01 and 81-2,166, Reissue Revised Statutes of Nebraska; to define a term; to provide for voluntary registration of Nebraska apiaries and bee hives; to provide duties for the Department of Agriculture; to prohibit commercial beekeeping operations from locating hives as prescribed; to provide a cause of action; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 158.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessed value of real property; and to repeal the original section.

**LEGISLATIVE BILL 159.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2706, 44-2707, 44-2708, 44-2709, 44-2713, 44-2718, and 44-2719.01, Reissue Revised Statutes of Nebraska, and sections 44-2702, 44-2703, and

44-2719.02, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Nebraska Life and Health Insurance Guaranty Association Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 160.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2705 and 18-2709, Revised Statutes Cumulative Supplement, 2018; to redefine terms to include early childhood infrastructure development and quality early childhood care and education programs for certain cities and villages as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 161.** Introduced by Erdman, 47; Clements, 2; Friesen, 34.

A BILL FOR AN ACT relating to education; to amend sections 11-119, 13-903, 13-2202, 32-546.01, 32-567, 32-604, 32-1203, 68-907, 70-651.04, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1704.01, 77-1708, 77-1736.06, 77-1772, 77-2201, 77-2202, 77-2704.15, 77-3442, 79-201, 79-2,104, 79-433, 79-458.01, 79-467, 79-468, 79-527, 79-549, 79-760.05, 79-777, 79-1007.05, 79-1074, 79-1125.01, 79-1142, 79-1210, 79-2404, and 81-1203, Reissue Revised Statutes of Nebraska, and sections 9-812, 13-503, 13-508, 13-511, 79-102, 79-215, 79-233, 79-235, 79-235.01, 79-237, 79-238, 79-241, 79-407, 79-408, 79-413, 79-415, 79-458, 79-473, 79-528, 79-611, 79-703, 79-760.02, 79-760.03, 79-850, 79-979, 79-1003, 79-1005, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1017.01, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,143, 79-11,155, 79-1241.03, 79-1245, 79-2104, and 79-2605, Revised Statutes Cumulative Supplement, 2018; to provide for termination of learning communities and the learning community coordinating council; to eliminate levy authority; to terminate the Learning Community Reorganization Act; to remove authorization for learning community early childhood education for children in poverty, focus programs, focus schools, and magnet schools; to change provisions and remove obsolete provisions from the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-555.01, 79-4,117, 79-4,118, 79-4,120, 79-4,127, 79-769, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-2101, 79-2102, 79-2102.01, 79-2103, 79-2110.01, 79-2112, 79-2114, 79-2116, 79-2118, 79-2119, and 79-2121, Reissue Revised Statutes of Nebraska, and sections 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,128, 79-4,129, 79-1008.02, 79-1073, 79-10,126.01, 79-10,145, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2104.04, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, 79-2120, 79-2122, and 79-2123, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 162.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 163.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Reissue Revised Statutes of Nebraska; to permit counties to conduct elections by mail; and to repeal the original section.

**LEGISLATIVE BILL 164.** Introduced by Hunt, 8; Crawford, 45; Howard, 9; McCollister, 20; Morfeld, 46; Walz, 15.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit the electronic transmission or online posting of certain photographs or videos as prescribed; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 165.** Introduced by Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to schools; to amend section 79-265, Reissue Revised Statutes of Nebraska; to adopt the Too Young to Suspend Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 166.** Introduced by Hunt, 8; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit a defendant's discovery of a victim's actual or perceived gender or sexual orientation as a defense to criminal offenses; to define terms; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 167.** Introduced by Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-178 and 38-2894, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to provide for disciplinary action for providing conversion therapy as prescribed; to prohibit the provision and advertising of conversion therapy as prescribed; to define terms; to prohibit the use of funds for conversion therapy as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Hunt, 8; Howard, 9; McCollister, 20; Morfeld, 46; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to state legislative findings; to define a term; to classify subjecting a child to conversion therapy as child abuse; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 169.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 170.** Introduced by Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for feminine hygiene products; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 171.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

**LEGISLATIVE BILL 172.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to finance; to amend section 30-2723, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2018; to clarify duties of cofiduciaries with respect to banking transactions involving trust or estate assets; to change provisions relating to sums on deposit payable on death to two or more beneficiaries; to authorize competency for persons eighteen years of age or older entering into certain financial agreements; and to repeal the original sections.

**LEGISLATIVE BILL 173.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to sexual assault; to amend sections 28-318, 28-319, and 28-320, Reissue Revised Statutes of Nebraska; to define and redefine the terms of coercion and without consent; to provide for applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 174.** Introduced by Bolz, 29; Hilkemann, 4.

A BILL FOR AN ACT relating to violence prevention; to amend section 81-1451, Reissue Revised Statutes of Nebraska; to state intent relating to appropriations; and to repeal the original section.

**LEGISLATIVE BILL 175.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate committees; and to repeal the original sections.

**LEGISLATIVE BILL 176.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to eliminate certain mandatory minimum penalties; and to repeal the original section.

**LEGISLATIVE BILL 177.** Introduced by Lindstrom, 18; Blood, 3; Crawford, 45; Kolowski, 31; Linehan, 39; McCollister, 20; McDonnell, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.14, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

**LEGISLATIVE BILL 178.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska; to change provisions relating to workers' compensation claims and tort claims against the state, the State Self-Insured Liability Fund, and state vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 179.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 180.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 181.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide for a study of long-term care sustainability; to impose a moratorium on changes to long-term care under the Medical Assistance Act; and to state intent to appropriate funds.

**LEGISLATIVE BILL 182.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the School District Local Option Income Surtax Act.

**LEGISLATIVE BILL 183.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska; to change the valuation of agricultural land and horticultural land for purposes of certain school district taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 184.** Introduced by Friesen, 34; Lowe, 37.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Small Wireless Facilities Deployment Act.

**LEGISLATIVE BILL 185.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 186.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-105, 64-113, 64-203, and 64-205, Reissue Revised Statutes of Nebraska, and section 23-1503.01, Revised Statutes Cumulative Supplement, 2018; to adopt the Online Notary Public Act; to change provisions relating to physical appearance before a notary; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 187.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3105, Reissue Revised Statutes of Nebraska, and sections 13-3102, 13-3103, 13-3104, and 13-3106, Revised Statutes Cumulative Supplement, 2018; to authorize assistance for sports complexes as prescribed; to define and redefine terms; to change provisions relating to limitations on state assistance, applications, notice, and

considerations for application approval; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 188.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2018; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 189.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to budgets; to amend sections 13-518 and 13-519, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to budget limitations; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 190.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 3-104, 3-158, 60-6,102, 60-6,103, 60-6,107, and 60-6,175, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,176, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 191.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to state and local government; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-519 and 13-520, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to budget limitations and procedures and property tax request public hearing notice requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 192.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 193.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend sections

14-502, 18-2507, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, and 19-5001, Reissue Revised Statutes of Nebraska, and sections 16-238, 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415, 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of particular classes and villages; to correct and include references as prescribed; to eliminate obsolete provisions; to repeal definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 194.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, and 16-808, Reissue Revised Statutes of Nebraska, and sections 16-119, 16-304, 16-305, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405,

16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662, 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723, 16-727, and 16-728, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 195.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to fire codes; to amend sections 71-5907 and 81-505.01, Reissue Revised Statutes of Nebraska, and section 81-502.04, Revised Statutes Cumulative Supplement, 2018; to correct references to the State Fire Code; and to repeal the original sections.

**LEGISLATIVE BILL 196.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities; to amend sections 14-407, 14-420, and 19-4029.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for certain hearings under the Business Improvement District Act; and to repeal the original sections.

**LEGISLATIVE BILL 197.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to provide a procedure for detachment of real property from the corporate limits of a city or village; to eliminate provisions relating to detachment of real property within the corporate limits of a city of the first class, city of the second class, or village; to provide a duty for the Revisor of Statutes; and to outright repeal sections 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 198.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1205, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2018; to define terms; to change provisions relating to use of a deadly weapon to commit a felony; to create the offense of use of a facsimile firearm to commit a felony; to harmonize provisions; and to repeal the

original sections.

**LEGISLATIVE BILL 199.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for court appointed special advocate state aid.

**LEGISLATIVE BILL 200.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure under the Health Care Facility Licensure Act of alcoholism centers providing civil protective custody for intoxicated persons; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 202.** Introduced by Wishart, 27; Walz, 15.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid; and to declare an emergency.

**LEGISLATIVE BILL 203.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Music Licensing Agency Act; to amend section 59-1402, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 204.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-808, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds; and to repeal the original section.

**LEGISLATIVE BILL 205.** Introduced by Kolterman, 24; Erdman, 47; Geist, 25; Howard, 9; Linehan, 39; Williams, 36.

A BILL FOR AN ACT relating to medicine and surgery; to amend sections 38-2001 and 38-2025, Revised Statutes Cumulative Supplement, 2018; to adopt the Surgical Technologist Registration Act; to exclude certain persons from the restriction regarding the unauthorized practice of medicine; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 206.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to journalism; to define terms; to provide protection for freedom of speech and freedom of the press for student journalists; to provide protection for student media advisers; to provide immunity for schools; and to provide exceptions.

**LEGISLATIVE BILL 207.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the death penalty; to create the Death Penalty Defense Standards Advisory Council; to provide powers and duties for the council; and to require a report.

**LEGISLATIVE BILL 208.** Introduced by Walz, 15; Blood, 3; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; DeBoer, 10; Kolowski, 31; McCollister, 20; Morfeld, 46.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-577, 86-593, and 86-594, Reissue Revised Statutes of Nebraska; to provide an exception for leasing dark fiber or providing broadband, Internet, telecommunications, or video services by an agency or political subdivision of the state; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 209.** Introduced by Albrecht, 17; Arch, 14; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hilgers, 21; Kolterman, 24; La Grone, 49; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Quick, 35; Scheer, 19; Slama, 1.

A BILL FOR AN ACT relating to abortion; to amend sections 28-327 and 28-327.01, Reissue Revised Statutes of Nebraska; to provide requirements for provision of information regarding reversal of the effects of medication abortion; and to repeal the original sections.

**LEGISLATIVE BILL 210.** Introduced by Crawford, 45; McCollister, 20; Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1403, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, 49-1467, and 49-1469, Revised Statutes Cumulative Supplement, 2018; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communication; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 211.** Introduced by Crawford, 45; Blood, 3; Hansen, M., 26; Hunt, 8; Kolterman, 24; McCollister, 20; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 212.** Introduced by Government, Military and Veterans Affairs Committee: Brewer, 43, Chairperson; Blood, 3; Hansen, M., 26; La Grone, 49; Lowe, 37.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to videoconferences and telephone conferencing; and to repeal the original section.

**LEGISLATIVE BILL 213.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2264 and 29-3005, Revised Statutes Cumulative Supplement, 2018; to provide a procedure for setting aside convictions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 214.** Introduced by La Grone, 49; Brewer, 43.

A BILL FOR AN ACT relating to state government; to authorize cession of certain lands to the United States.

**LEGISLATIVE BILL 215.** Introduced by Linehan, 39; Blood, 3; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-395, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Prostate Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Revised Statutes Cumulative Supplement, 2018; to prohibit law enforcement releasing a person from custody to avoid the cost of medical services; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2018; to prohibit retaliation against employees for communicating about wages as prescribed; to harmonize provisions; and to

repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-105 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine the terms tangible personal property and gross receipts as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 4.** Introduced by Gragert, 40.

WHEREAS, the Creighton Bulldogs football team won the 2018 Class D-1 State Football Championship; and

WHEREAS, the Creighton Bulldogs won the championship game at Memorial Stadium on November 19, 2018, over Burwell by a score of 32 to 30; and

WHEREAS, the Bulldogs overcame an extremely physical game; and

WHEREAS, the state championship capped a tremendous 13-0 perfect season and resulted in the first ever state football title for the Bulldogs; and

WHEREAS, throughout the season the members of the Creighton Bulldogs football team have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the team members are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the Creighton Bulldogs football team and their coaches on winning the 2018 Class D-1 State Football Championship.

2. That a copy of this resolution be sent to the Creighton Bulldogs football team and Head Coach Zac Kliment.

Laid over.

**LEGISLATIVE RESOLUTION 5CA.** Introduced by Brewer, 43.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1:

VII-1 (1) The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. No more than thirty-three percent of the funding for such free instruction in the common schools shall come from property taxes.

(2) The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that no more than thirty-three percent of the funding for the free instruction in the common schools shall come from property taxes.

For

Against.

**LEGISLATIVE RESOLUTION 6.** Introduced by Geist, 25; Albrecht, 17; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; Linehan, 39; Pansing Brooks, 28; Slama, 1; Walz, 15; Wishart, 27.

WHEREAS, Ruth Raymond Thone served as Nebraska's first lady from 1979 to 1983; and

WHEREAS, Ruth was born November 21, 1931, in Scottsbluff to Jack L. and Ruth (Thaxter) Raymond; and

WHEREAS, Ruth met Charley Thone 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

WHEREAS, Ruth was known as a lively spirit. She was named the National Organization for Women's Nebraska Woman of the Year in 1999 and honored as the Nebraska Press Women's Communicator of Achievement in 2014; and

WHEREAS, Ruth was the author of three books and countless articles for newspapers and magazines, a commentator on Nebraska Public Radio, a Nebraska Humanities Council scholar and speaker, and led classes on women and aging, women and appearance issues, self-esteem, values realization, negative criticism, and writing; and

WHEREAS, Ruth was active in a variety of community and social justice organizations. She co-founded the Gathering Place and the Friends of Loren Eiseley and participated in Alternatives to the Military - Lincoln, Nebraskans for Peace, the Palestine Solidarity Committee, anti-war coalitions, advocating for civil rights for lesbians and gays, Nebraskans Against the Death Penalty, the Center for Rural Affairs, alcohol and drug recovery organizations, the Lincoln Friends Meeting, the Central American Response Team, Common Cause (national board member), Nebraska Common Cause, the Junior League of Lincoln (treasurer), Delta Gamma, the Nebraska Society of Washington, D.C. (former president), and the Congressional Wives Prayer Group (leader); and

WHEREAS, Ruth and Charley had three daughters: Anna Salmeron, a nurse and photographer in Boston; Marie Thone, an editor in Vancouver;

and Amy Thone, an actor and Shakespeare teacher in Seattle. The couple was also blessed with two granddaughters, Charlotte and Stella; and

WHEREAS, Ruth's husband, Governor Charley Thone, passed away on March 7, 2018; and

WHEREAS, Ruth Thone passed away on May 3, 2018, at the age of 86.

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

1. That the Legislature honors Ruth Raymond Thone for her spirit and dedication.

2. That the Legislature extends deep sympathy to the family of Ruth Raymond Thone.

3. That a copy of this resolution be sent to the family of Ruth Raymond Thone.

Laid over.

#### **ANNOUNCEMENT(S)**

The Judiciary Committee elected Senator Pansing Brooks as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Lindstrom as Vice Chairperson.

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Wishart - LB110

#### **VISITOR(S)**

Visitors to the Chamber were Senator Albrecht's sister-in-law and brother-in-law, Connie and Robert Albrecht, from Emerson.

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

**ADJOURNMENT**

At 11:30 a.m., on a motion by Senator Walz, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTH DAY - JANUARY 14, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 14, 2019

**PRAYER**

The prayer was offered by Reverend Larry Moffet, First United Methodist Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Stinner who was excused; and Senators Friesen, Linehan, Morfeld, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1	General File
LB2	General File
LB3	General File
LB4	Revenue
LB5	Revenue
LB6	Education
LB7	Judiciary
LB8	Transportation and Telecommunications
LB9	Government, Military and Veterans Affairs
LB10	Transportation and Telecommunications
LB11	Government, Military and Veterans Affairs
LB12	Banking, Commerce and Insurance
LB13	Revenue
LB14	Agriculture

LB15	Banking, Commerce and Insurance
LB16	Government, Military and Veterans Affairs
LB17	Judiciary
LB18	Revenue
LB19	Business and Labor
LB20	Government, Military and Veterans Affairs
LB21	Government, Military and Veterans Affairs
LB22	Health and Human Services
LB23	Urban Affairs
LB24	Appropriations
LB25	Health and Human Services
LB26	Banking, Commerce and Insurance
LB27	Education
LB28	Judiciary
LB29	Health and Human Services
LB30	Government, Military and Veterans Affairs
LB31	Nebraska Retirement Systems
LB32	Nebraska Retirement Systems
LB33	Nebraska Retirement Systems
LB34	Nebraska Retirement Systems
LB35	Nebraska Retirement Systems
LB36	Nebraska Retirement Systems
LB37	Health and Human Services
LB38	Transportation and Telecommunications
LB39	Transportation and Telecommunications
LB40	Transportation and Telecommunications
LB41	Appropriations
LB42	Banking, Commerce and Insurance
LB43	Judiciary
LB44	Judiciary
LB45	Agriculture
LB46	Natural Resources
LB47	Judiciary
LB48	Natural Resources
LB49	Banking, Commerce and Insurance
LB50	Revenue
LB51	Transportation and Telecommunications
LB52	Government, Military and Veterans Affairs
LB53	Natural Resources
LB54	Judiciary
LB55	Judiciary
LB56	General Affairs
LB57	Urban Affairs
LB58	Judiciary
LB59	Health and Human Services
LB60	Health and Human Services
LB61	Agriculture
LB62	Health and Human Services
LB63	Revenue

LB64 Government, Military and Veterans Affairs  
LB65 General Affairs  
LB66 Urban Affairs  
LB67 Urban Affairs  
LB68 Urban Affairs  
LB69 Revenue  
LB70 Banking, Commerce and Insurance  
LB71 Judiciary  
LB72 Government, Military and Veterans Affairs  
LB73 Education  
LB74 Health and Human Services  
LB75 General Affairs  
LB76 Revenue  
LB77 Banking, Commerce and Insurance  
LB78 Banking, Commerce and Insurance  
LB79 Transportation and Telecommunications  
LB80 Transportation and Telecommunications  
LB81 Transportation and Telecommunications  
LB82 Transportation and Telecommunications  
LB83 Government, Military and Veterans Affairs  
LB84 Revenue  
LB85 Urban Affairs  
LB86 Revenue  
LB87 Urban Affairs  
LB88 Revenue  
LB89 Judiciary  
LB90 Judiciary  
LB91 Judiciary  
LB92 Judiciary  
LB93 Judiciary  
LB94 Judiciary  
LB95 Urban Affairs  
LB96 Urban Affairs  
LB97 Transportation and Telecommunications  
LB98 Government, Military and Veterans Affairs  
LB99 Government, Military and Veterans Affairs  
LB100 Appropriations  
LB101 Government, Military and Veterans Affairs  
LB102 Business and Labor  
LB103 Revenue  
LB104 Education  
LB105 Executive Board  
LB106 Judiciary  
LB107 Urban Affairs  
LB108 Judiciary  
LB109 Government, Military and Veterans Affairs  
LB110 Judiciary  
LB111 Transportation and Telecommunications  
LB112 Health and Human Services

LB113 Judiciary  
 LB114 Judiciary  
 LB115 Education  
 LB116 Banking, Commerce and Insurance  
 LB117 Transportation and Telecommunications  
 LB118 Government, Military and Veterans Affairs  
 LB119 Health and Human Services  
 LB120 Education  
 LB121 Urban Affairs  
 LB122 Education  
 LB123 Government, Military and Veterans Affairs  
 LB124 Urban Affairs  
 LB125 Judiciary  
 LB126 Natural Resources  
 LB127 Natural Resources  
 LB128 Transportation and Telecommunications  
 LB129 Appropriations  
 LB130 Urban Affairs  
 LB131 Judiciary  
 LB132 Judiciary  
 LB133 Judiciary  
 LB134 Natural Resources  
 LB135 Health and Human Services  
 LR1CA Judiciary  
 LR2 Executive Board  
 LR3CA Revenue

Appelt, Jason D. - Niobrara Council - Natural Resources  
 Arrowsmith, Bradley A. - Niobrara Council - Natural Resources  
 Arrowsmith, Lana S. - Niobrara Council - Natural Resources  
 Batie, Donald P. - Nebraska Natural Resources Commission - Natural Resources  
 Bird, Bradley B. - Nebraska Ethanol Board - Natural Resources  
 Boldt, Randy - Board of Emergency Medical Services - Health and Human Services  
 Bomberger, Jeffrey - Nebraska Commission on Problem Gambling - General Affairs  
 Bonta, John - Board of Emergency Medical Services - Health and Human Services  
 Bowlin, Karen - Board of Emergency Medical Services - Health and Human Services  
 Cantrell, Christopher - State Fire Marshal, Nebraska State Fire Marshal - Government, Military and Veterans Affairs  
 Czaplewski, Mark - Nebraska Natural Resources Commission - Natural Resources  
 Dodson, Dallas D. - Niobrara Council - Natural Resources  
 Eatherton, Shawn - Crime Victim's Reparations Committee - Judiciary  
 Fiala, Ann - Board of Emergency Medical Services - Health and Human Services

Haddad, Amy - Nebraska Arts Council - General Affairs  
Hasselbalch, Joyce - Nebraska Arts Council - General Affairs  
Heaston, John - Nebraska Natural Resources Commission - Natural Resources  
Henson, Robert - Technical Advisory Committee for Statewide Assessment - Education  
Hoefs, Dustin - Niobrara Council - Natural Resources  
Hunsberger, Mike - State Electrical Board - General Affairs  
Hunt, Cherlyn - Nebraska Rural Health Advisory Commission - Health and Human Services  
Jackson, Jason - Director, Department of Administrative Services - Government, Military and Veterans Affairs  
Klammer, Kyle - Nebraska Rural Health Advisory Commission - Health and Human Services  
Kramer, Lynette - Nebraska Rural Health Advisory Commission - Health and Human Services  
Kraus, Don - Nebraska Natural Resources Commission - Natural Resources  
Leckband, Paul - Nebraska Commission on Problem Gambling - General Affairs  
Mercure, Mary L. - Niobrara Council - Natural Resources  
Mercure, Richard S. - Niobrara Council - Natural Resources  
Miller, Michael - Board of Emergency Medical Services - Health and Human Services  
Morrissey, George - State Electrical Board - General Affairs  
Nasir, Laeth - Nebraska Rural Health Advisory Commission - Health and Human Services  
Nellhaus, Jeffrey - Technical Advisory Committee for Statewide Assessment - Education  
Parker, Thomas - Crime Victim's Reparations Committee - Judiciary  
Peetz, Sarah - Nebraska Arts Council - General Affairs  
Poole, Linda - Technical Advisory Committee for Statewide Assessment - Education  
Rennerfeldt, Carl - Board of Emergency Medical Services - Health and Human Services  
Schindler, Michelle - Crime Victim's Reparations Committee - Judiciary  
Schroeder, Rebecca A. - Nebraska Rural Health Advisory Commission - Health and Human Services  
Seiler, Walter - Nebraska Arts Council - General Affairs  
Simpson, Allen - Public Employees Retirement Board - Nebraska Retirement Systems  
Sitorius, Michael Allen - Nebraska Rural Health Advisory Commission - Health and Human Services  
Smith, Lindsey - Nebraska Natural Resources Commission - Natural Resources  
Strauch, Walter Dennis - Nebraska Natural Resources Commission - Natural Resources  
Taylor, Loren - Nebraska Natural Resources Commission - Natural Resources  
Thede, Michael S. - Nebraska Ethanol Board - Natural Resources

Tuma, Bryan - Climate Assessment Response Committee - Agriculture  
 Twiss, Robert W. - Board of Parole - Judiciary  
 Wells, Roger A. - Nebraska Rural Health Advisory Commission - Health  
 and Human Services  
 Werner - Robertson, Gail - Nebraska Investment Council - Nebraska  
 Retirement Systems  
 Zohner, Todd - Nebraska Commission on Problem Gambling - General  
 Affairs

(Signed) Mike Hilgers, Chairperson  
 Executive Board

### **CONFLICT OF INTEREST STATEMENT**

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

### **ANNOUNCEMENT(S)**

The Agriculture Committee elected Senator Brandt as Vice Chairperson.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 13, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Abboud, Chris - Public Affairs Group  
 DraftKings Inc.  
 FanDuel, Inc.  
 MasterCard  
 Abraham, Christine K.  
 League of Nebraska Municipalities  
 Acierno, Jenifer  
 Jensen Rogert Associates, Inc.  
 Adair, Peggy  
 League of Women Voters of Greater Omaha  
 Adams, Greg  
 Nebraska Community College Association  
 Adams, John H.  
 International Gamco, Inc.  
 Adler, Joseph  
 Holland Children's Movement  
 Alston, Garth R.

Altria Client Services LLC and its Affiliates  
Amack, Angela K.  
Center for People in Need  
Everytown for Gun Safety Action Fund  
Grand Island Public Schools  
International Brotherhood of Electrical Workers (IBEW)  
Jensen Rogert Associates, Inc.  
Nebraska Professional Fire Fighters Association (NPPFFA)  
Amdor, Diane  
Nebraska Mediation Association  
American Communications Group, Inc.  
AARP Nebraska  
Advanced Power Alliance  
American Cancer Society Cancer Action Network  
Association of Surgical Technologists  
Autism Speaks  
Center for Rural Affairs  
EHPV Lottery Services LLC aka Big Red Keno  
Empyrean Brewing Company  
Friends of Public Health in Nebraska  
Health Center Association of Nebraska  
Legal Aid of Nebraska  
Nebraska Association of Behavioral Health Organizations  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Nebraska Board of Engineers and Architects  
Nebraska Chapter of the American Physical Therapy Association  
Nebraska Child Health and Education Alliance  
Nebraska Investment Finance Authority  
Nebraska Psychological Association  
Nebraska Society for Respiratory Care  
Nebraska Speech-Language-Hearing Association (NSLHA)  
Nebraska State AFL-CIO  
North Central States Regional Council of Carpenters  
OneMain Holdings, Inc  
Regions II and V  
Research Nebraska!  
UNO Chapter of the AAUP  
Vigilnet America LLC  
YMCA's of Nebraska  
Antonello, Dustin  
Lincoln Independent Business Association (LIBA)  
Antonich, John  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Baier, Richard J.  
Nebraska Bankers Association  
Baird Holm LLP  
Allstate Insurance  
American Institute of Architects, Nebraska Chapter (Withdrawn  
01/10/2019)

BHE Renewables, LLC  
Geronimo Energy, LLC  
Great Plains Chapter of the American Society of Landscape Architects  
Immanuel Retirement Communities  
Moran's Liquor Works, LLC  
Nebraska Craft Brewers Guild  
Northeast Power  
People United for Privacy  
Sandhills Energy, LLC  
SunVest Solar, Inc.  
TSYS  
Turner Park North, LLC  
Westervelt Ecological Services  
Baratta, Robert  
Teladoc Inc.  
Barrett, John R.  
Great Plains Communications, Inc.  
Baumfalk, Benjamin  
First Five Nebraska  
Becker, David  
The Nebraska Geological Society  
Becker, Jill  
Black Hills Energy  
Beermann, Allen J.  
Nebraska Press Association  
Behrens, Mark A.  
Nationwide Mutual Insurance Company  
Bell, David  
Loup River Public Power District  
Bell, Robert  
Nebraska Insurance Federation  
Benjamin, Melody  
Nebraska Cattlemen, Inc.  
Benson, Jenni  
Nebraska State Education Association  
Beyer, Nolan  
Millard Public Schools  
Bish, Jacob  
Hemp Harvest Works  
Blake, Jeremiah  
Charter Communications, Inc.  
Block, Kristi  
Nebraska Grain and Feed Association  
Bocour, Nicola  
Giffords  
Boddy, Heath  
Licensed Practical Nurse Association of Nebraska (LPNAN)  
Nebraska Health Care Association, Inc.  
Bohrer, Bruce J.

Lincoln Chamber of Commerce  
Bolen, Holley  
  Bruning Law Group  
  Nebraska Strategies  
Borgeson, Robert A.  
  SMART-TD  
Boschult, Mary  
  League of Women Voters of Lincoln and Lancaster County  
Bottorf, Wesley  
  Farmers Mutual of Nebraska  
Bowling, Karen  
  Nebraska Family Alliance  
Brady, Justin J.  
  Radcliffe, Walter H. of Radcliffe and Associates  
Brandt, Horan, Hallstrom and Stilmock  
  National Federation of Independent Business (NFIB)  
  Nebraska Bankers Association  
  Nebraska Bankers Insurance and Services Company (NBISCO)  
  Nebraska Fire Chiefs' Association  
  Nebraska Pharmacists Association  
  Nebraska State Volunteer Firefighters' Association  
  Nebraskans for Workers' Compensation Equity and Fairness  
Bromm Nielsen & Mines  
  3M COMPANY  
  Aflac  
  AHIP - America's Health Insurance Plans  
  Cameco Resources  
  Cargill  
  Education Service Unit #3  
  Educational Service Unit Coordinating Council  
  Johnson & Johnson  
  LegalShield  
  National Association of Insurance and Financial Advisors (NAIFA)  
  Nebraska Agri-Business Association  
  Nebraska Corn Growers Association  
  Nebraska Council of School Administrators  
  Nebraska Hotel & Lodging Association, Inc.  
  Nebraska Insurance Information Service  
  Nebraska State Athletic Trainers Association  
  Neutron Holdings, Inc. dba Lime  
  Papio Valley Preservation Association, Inc.  
  Prime Therapeutics, LLC  
  State Farm Insurance Companies  
  Syngenta  
Bruning Law Group  
  National Rifle Association  
Bruning, Deonne  
  U.S. Cellular  
Bruning, Jon

Bruning Law Group  
Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation  
Cannon, Jonathan  
Nebraska Association of County Officials  
Carstenson, Eric B.  
Nebraska Telecommunications Association  
Carter, Jennifer  
FBLincoln  
Food Bank of the Heartland  
Cartier, John  
Civic Nebraska  
Catalyst Public Affairs  
Ash Grove Cement Company  
Charter Communications, Inc.  
Home Instead, Inc.  
Invenergy LLC  
Koch Companies Public Sector, LLC and Affiliates  
KVC Health Systems, Inc.  
Lutheran Family Services of Nebraska  
Nebraska Intergovernmental Risk Management Association  
Nebraska State Historical Society Foundation  
NextEra Energy Resources, LLC  
Papillion - La Vista School District  
PromiseShip  
Sarpy County Board of Commissioners  
Cavanaugh & Associates, P.C., L.L.O.  
Independent Insurance Agents of Nebraska  
Nebraska Chapter of the Sierra Club  
Cavanaugh, James P.  
Cavanaugh & Associates, P.C., L.L.O.  
Cavanaugh, Matthew  
Nebraska Housing Developers Association  
Chaffee, Meghan  
Nebraska Medical Association  
Chaffin, Lash  
League of Nebraska Municipalities  
Cheloha, John A.  
City of Omaha  
Christensen, Graham  
GC Resolve, LLC  
GC ReVOLT, LLC  
Christiansen, Kim E.  
Nebraska Rural Electric Association  
Clark, John  
ACT, Inc.  
Coash, Colby  
Nebraska Association of School Boards  
Conrad, Danielle

ACLU Nebraska  
Copich, Cindy  
Nebraska State Education Association  
Couture-Lovelady, Travis  
National Rifle Association  
Cover, Joni  
Nebraska Pharmacists Association  
CP Strategies LLC  
Graduation Alliance, Inc.  
Nebraska Petroleum Producers Association  
Nebraska Total Care  
PACE Sage Capital, LLC  
T-Mobile  
Creager, Jennifer  
Greater Omaha Chamber  
Curry Grubb, Andi  
Planned Parenthood of the Heartland  
Davidson Tribbs, Emma  
Secure Democracy  
Davis, Jeffrey N.  
Burlington Northern Sante Fe (BNSF) Railway Company  
Decamp, Suzan  
AARP Nebraska  
DeLong, Danny  
AARP Nebraska  
Dentlinger, Courtney  
Nebraska Public Power District  
Dibbern, Chris  
Nebraska Municipal Power Pool  
Dix, Larry J.  
Nebraska Association of County Officials  
Dobler, James B.  
Professional Insurance Agents of Nebraska  
Dubas, Annette  
Nebraska Association of Behavioral Health Organizations  
Dulaney, Michael S.  
Nebraska Council of School Administrators  
Dunning, Eric  
Blue Cross and Blue Shield of Nebraska  
Edson, Dean E.  
Nebraska Association of Resources Districts  
Edwards, Jon  
Nowka & Edwards  
Eickholt, Christopher/Spike  
ACLU Nebraska  
Nebraska Criminal Defense Attorneys Association  
Erickson, Julie S.  
American Communications, Inc.  
Ernst, Dan E.

Nebraska Council of School Administrators  
Everett, Elizabeth  
First Five Nebraska  
Facemire, Liz  
Quicken Loans  
Falk, W. Jarad  
Charter Communications, Inc.  
Faustman, Nicholas  
American Cancer Society Cancer Action Network  
Feldman, Michelle  
Innocence Project, The  
Fennell, Madaline  
Nebraska State Education Association  
Ferrell, Beth Bazyn  
Nebraska Association of County Officials  
Feser, Adam  
First Five Nebraska  
Field, Laura  
Nebraska Cattlemen, Inc.  
Fish, Ashlee  
Nebraska Health Care Association, Inc.  
Foster, Michelle  
Financial Services Institute, Inc.  
Fox, Nicole  
Platte Institute for Economic Research  
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer  
Mutual of Omaha  
Frevert, Ashley  
Community Action of Nebraska  
Frickel, Cheryl  
Nebraska Occupational Therapy Association  
Frohman, Ann  
Ameritas Life Insurance Corp.  
National Association of Public Insurance Adjusters  
Fry, Renee  
OpenSky Policy Institute  
Garcia, Lauren  
Nebraska Catholic Conference  
Gay, Tim  
Catalyst Public Affairs  
Geis, Gavin Lawrence  
Common Cause National  
George, Dee D  
Novartis Services, Inc.  
Gerloff, Jerianne  
Pfizer Inc.  
Gerrard, Eric  
American Communications, Inc.  
City of Lincoln

Gilbert, Randall  
Gilbert, Randall  
Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe and Associates  
Giles, Jo  
Coalition for a Strong Nebraska  
Godinez, Rosangela  
ACLU Nebraska  
Gokie, Mark T.  
Farmers Mutual of Nebraska  
Gottschalk, Kristen  
Nebraska Rural Electric Association  
Grasz, Nate  
Nebraska Family Alliance  
Grisham, Kent  
Nebraska Trucking Association  
Hack, Mace A.  
Nature Conservancy, The  
Hale, Andy  
Nebraska Hospital Association  
Hallman, J. Eric  
Nebraska Independent Community Bankers  
Hallstrom, Robert  
Brandt, Horan, Hallstrom and Stilmock  
Hansen, John K.  
Nebraska Farmers Union  
Hapgood, Wade  
United Healthcare Services, Inc.  
Harding, Mariel  
United Way of the Midlands  
Harrold, Michael D.  
Express Scripts Holding Co.  
Harvey, William F.  
EHPV Lottery Services LLC aka Big Red Keno  
Vigilnet America LLC  
Hasebrook, Kristen  
Nebraska Chamber of Commerce & Industry  
Hayes, Jason W.  
Nebraska State Education Association  
Heartland Strategy Group, LLC  
Consumer Technology Association  
Omaha Professional Firefighters Association  
TransCanada  
Hebb, Jeff  
Nebraska Realtors Association  
Heidemann, Lavon L  
NioCorp  
Herrmann, Jessica  
Nebraska Cattlemen, Inc.

Higgins, Kersten  
Mutual of Omaha

Higgins, Shirley  
Nebraska Public Power District

Hladik, Johnathan  
Center for Rural Affairs

Hollingsead, Andrew  
Nebraska Organ Recovery System, Inc.

Holmquist, David  
AARP Nebraska

Honan, Scott  
NioCorp

Hruza, Tim  
Mueller Robak, LLC

Hunter-Pirtle, Ann  
Stand for Schools

Hurley, Rachel  
Monsanto

Husch Blackwell LLP  
Enhanced Capital  
Nebraska Chiropractic Physicians Association  
Papio-Missouri River Natural Resources District  
Waste Management, Inc.

Husch Blackwell Strategies  
4 Lanes 4 Nebraska  
Blue Cross and Blue Shield of Nebraska  
Facebook  
Hawkins Construction  
Lindsay Corporation  
Nucor Corporation

Idoux, John  
CenturyLink

Irsik, Ryan  
Walmart, Inc.

Jacobson, Mary  
Bruning Law Group  
Nebraska Strategies

Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.  
Brain Injury Alliance of Nebraska

Jensen Rogert Associates, Inc.  
ABATE of Nebraska, Inc.  
Altria Client Services LLC and its Affiliates  
American Massage Therapy Association, Nebraska Chapter  
Associated Builders and Contractors, Inc.  
Civics Proficiency Institute  
Eli Lilly and Company  
LeadingAge Nebraska  
Learning Community of Douglas and Sarpy Counties  
MM Finance, LLC

Mosaic  
Nebraska Association of Nurse Anesthetists  
Nebraska Dental Hygienists' Association  
Nebraska Financial Services Association  
Nebraska Intellectual Disabilities Services Providers  
Nebraska Optometric Association  
Nebraska Podiatric Medical Association  
Ponca Tribe of Nebraska  
Radcliffe, Walter H. of Radcliffe and Associates  
Statewide Property Owners' Association  
Trilogy Integrated Resources, LLC  
Joekel, Tiffany  
Women's Fund of Greater Omaha, Inc.  
Jones, Benjamin  
Union Pacific Railroad  
Juhnke, Alan R.  
Nebraska Pork Producers Association  
Karges, Casey  
Nebraska Mediation Association  
Karl, Jamie  
Nebraska Chamber of Commerce & Industry  
Karnes, David K.  
EHPV Lottery Services LLC aka Big Red Keno  
Nebraska Investment Finance Authority  
Vigilnet America LLC  
Kay, Sara  
American Institute of Architects, Nebraska Chapter  
Nebraska County Attorneys Association  
Keigher & Associates, LLC  
Central Nebraska Public Power and Irrigation  
Credit Management Services  
I AM PET FRIENDLY  
Iowa-Nebraska Equipment Dealers Association  
MillerCoors, LLC  
Nebraska AirBoat Association  
Nebraska Auctioneers Association  
Nebraska Aviation Trade Association  
Nebraska Community College Association  
Nebraska Land Improvement Contractors Association  
Professional Towers Association of Nebraska  
Radcliffe, Walter H. of Radcliffe and Associates  
Keigher, Timothy P.  
Keigher & Associates, LLC  
Nebraska Petroleum Marketers & Convenience Store Association  
Kelley Governmental Relations, LLC  
Metro Area Transit (O-Metro)  
Kelley Plucker, LLC  
Advantage Capital  
American Society of Interior Designers

Bennington Public Schools  
Bird Rides, Inc.  
Cigar Association of America, Inc.  
Community Alliance, Inc.  
Community Lottery System, Inc.  
Creighton University  
CVS Health  
Daily Record, The  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
EHPV Lottery Services LLC aka Big Red Keno  
Elevator Industry Work Preservation Fund  
Guardian Tax Partners  
Johnson Brothers of Nebraska  
Lamar Outdoor Advertising Company  
Nebraska Cable Communications Association  
Nebraska Coalition of Agricultural Manufacturers  
Nebraska Collectors Association  
Nebraska Credit Union League  
Nebraska School Activities Association  
Nebraska State Lodge of the Fraternal Order of Police  
Omaha Airport Authority  
Omaha Police Officers Association  
WellCare Health Plans, Inc.  
Westside Community Schools

Kelley, Michael A.  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC

Kelley, Sean  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC

Kenny, Timothy R.  
Nebraska Investment Finance Authority

Kilgarin, Karen  
Nebraska State Education Association

Kingery, Shannon L.  
RAI Services Co. (Reynolds American Inc.)

Kissel Kohout ES Associates, LLC  
American Petroleum Institute  
Associated Beverage Distributors of Nebraska  
Burlington Northern Sante Fe (BNSF) Railway Company  
CenturyLink  
Citizens for Responsible Pet Ownership  
Enbridge (U.S.) Inc. (Formerly Spectra Energy)  
Lancaster County Board of Commissioners  
Metropolitan Area Planning Agency  
Nebraska Association of Regional Administrators  
Nebraska CASA Association  
Nebraska Cooperative Council

Nebraska Golf Alliance  
Nebraska Medicine  
Nebraska Municipal Power Pool  
Nebraska Regional Officials Council  
Professional Engineers Coalition  
Ralston Public School District  
Telecare Corporation  
United Cities of Sarpy County  
Klute, Anne M. N.  
Associated Builders and Contractors, Inc.  
Knoche, Connie  
OpenSky Policy Institute  
Kohout, Joseph D.  
Kissel Kohout ES Associates, LLC  
Kohout, Victoria  
Research Nebraska!  
Kolterman, Jessica A.  
Lincoln Premium Poultry  
Koops, Berend  
Merck Sharp and Dohme Corp.  
Kopacki, Christopher  
National Rifle Association  
Krannawitter, Brian  
American Heart Association  
Kruse Company  
Nebraska Alliance for Family and Child Service Providers  
RAI Services Co. (Reynolds American Inc.)  
Kubat, Rick  
Metropolitan Utilities District  
Kurowski, Robert  
Tesla, Inc.  
Landwehr, Susan M.  
Eli Lilly and Company  
Lassen, Robert  
AARP Nebraska  
Lautenbaugh, Scott  
K12, Inc.  
Leahy, Ed  
Adapt Pharma, Inc.  
Lee, Rachel  
Prime Therapeutics, LLC  
Levy, David C.  
Baird Holm LLP  
Likes, Steven C.  
Nebraska Investment Finance Authority  
Lindsay, John C.  
O'Hara Lindsay & Associates, Inc.  
Loeffler, Michael T.  
Northern Natural Gas

Logsdon, Robert R.  
Cox Communications

Lombardi, Richard A.  
American Communications, Inc.

Loontjer, Pat  
Gambling with the Good Life

Lostroh, David L.  
Nebraska Christian Home Educators Association

Ludwig, David M.  
Educational Service Unit Coordinating Council

Luebbe, Lori  
Nebraska Soybean Association

Luetkenhaus, Brandon  
Nebraska Credit Union League

MacDonald, Blair E.  
O'Hara Lindsay & Associates, Inc.

Mach, Coby  
Lincoln Independent Business Association (LIBA)

MacTaggart, Christon  
Women's Fund of Greater Omaha, Inc.

Mahoney, Maureen  
Consumer Reports, Inc.

Malik, Meghan  
Women's Fund of Greater Omaha, Inc.

Mallett, Rochelle  
Husch Blackwell Strategies LLC

Martin, Susan L.  
Nebraska State AFL-CIO

Matulka, Mark  
Mosaic

McBride, David S.  
Nebraska Optometric Association

McCabe, Lisa  
CTIA - The Wireless Association

McClure, Jeanne  
American Council of Engineering Companies/Nebraska

McClure, John C.  
Nebraska Public Power District

McClymont, Pete  
Nebraska Cattlemen, Inc.

McDonald, Vickie  
Nebraska Association of Former State Legislators

McGowan, Kyle  
Nebraska Council of School Administrators

McIntosh, Ryan  
Brandt, Horan, Hallstrom and Stilmock

McKee, Nancy  
Sunovion Pharmaceuticals Inc.

Mello, Heath

University of Nebraska  
Melotz, Shawn  
Papio Valley Preservation Association, Inc.  
Menzel, Elaine  
Nebraska Association of County Officials  
Meradith, Steve  
Windstream Communications  
Meredith, Candace  
Nebraska Association of County Officials  
Meurrens, Bradley  
Disability Rights Nebraska  
Meyer, Les  
Nebraska Winery and Grape Growers Association (NWGGA)  
Mick, Ansley  
Nebraska Farm Bureau Federation  
Mikkelsen, Brian  
Nebraska State Education Association  
Mikolajczyk, Megan N.  
Planned Parenthood of the Heartland  
Miller, Amy A.  
ACLU Nebraska  
Miller, Brennen  
Kissel Kohout ES Associates, LLC  
Miller, Westin  
Civic Nebraska  
Milone, Tiffany  
OpenSky Policy Institute  
Miner, Marion  
Nebraska Catholic Conference  
Mines, Mick  
Bromm Nielsen & Mines  
Moles, Jack  
Nebraska Rural Community Schools Association  
Morris, Winston  
Nationwide Mutual Insurance Company  
Mueller Robak  
American College of Surgeons, Nebraska Chapter  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter  
AT&T, Inc.  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
COPIC Insurance Company  
Duncan Aviation, Inc.  
Eastern Nebraska Development Council  
First Data Corporation  
GlaxoSmithKline  
Greenwich Biosciences, Inc.  
Innocence Project, The

Integrated Life Choices  
Iowa-Nebraska Rental Dealers Association  
Lincoln Airport Authority  
Madonna Rehabilitation Hospital  
Millard Public Schools  
Millard Roofing and Gutter Company  
Nationwide Mutual Insurance Company  
Nebraska Academy of Eye Physicians and Surgeons  
Nebraska Association of Airport Officials  
Nebraska Association of Commercial Property Owners  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska District Court Judges Association  
Nebraska Interactive  
Nebraska Land Title Association  
Nebraska Machinery Company  
Nebraska Medical Association  
Nebraska Methodist Health Systems  
Nebraska Oncology Society  
Nebraska Press Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
PayPal  
Pharmaceutical Research and Manufacturers of America  
Secure Democracy  
Smithfield Foods, Inc.  
Stand for Schools  
State Troopers Association of Nebraska, Inc.  
Uber Technologies, Inc.  
Mueller, William J.  
Mueller Robak, LLC  
Nathan, Robbie  
AARP Nebraska  
Nebraska Strategies  
Consumer Data Industry Association  
Lincoln Premium Poultry  
Mark Anthony Brands  
Nebraska Licensed Beverage Association  
Tesla, Inc.  
Neilan Strategy Group  
Cavanaugh & Associates, P.C., L.L.O.  
Tenaska  
Neilan, Perre S.  
Neilan Strategy Group  
Nelson, Stephen D.  
Nebraska Farm Bureau Federation  
Neville, Brennan S.  
National Indemnity Company  
Nickerson, Jocelyn S.

Humane Society of the United States, The  
Nielson, Katherine  
American Association of University Women  
Nolan, James  
Mutual of Omaha  
Nowka & Edwards  
Adams Central Public Schools  
Anheuser-Busch Companies  
Bryan Health  
Deloitte Consulting LLP  
Elkhorn Public Schools  
Grand Island Northwest Public Schools  
Metropolitan Utilities District  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Academy of Family Physicians  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of County Officials  
Nebraska Funeral Directors Association  
Nebraska Home Care Association  
Nebraska Pork Producers Association  
Nebraska Poultry Industries, Inc.  
Nebraska Public Power District  
Nebraska Rural Community Schools Association  
Nebraska Sheriffs' Association  
Nebraska Society of Radiologic Technologists  
Nebraska State College System  
Nebraska State Dairy Association  
Nebraska Water Coalition  
NET Foundation for Television  
Pfizer Inc.  
Southern Power District  
Union Pacific Railroad  
US Assets  
O'Hara Lindsay & Associates, Inc.  
All American Games LLC  
Alliance of Automobile Manufacturers  
Alter Trading Corporation  
Black Hills Energy  
Blue Cross and Blue Shield of Nebraska  
Center Pivot Manufacturers Association  
City of Hastings  
City of Lexington  
City of Lincoln  
Council of Independent Nebraska Colleges  
First National of Nebraska, Inc.  
Greater Nebraska Cities  
Institute of Scrap Recycling Industries, Inc., Northwest Chapter  
National Association of Housing and Redevelopment Officials, Nebraska  
Chapter

Nebraska Association of Independent Ambulatory Centers  
Nebraska Association of Trial Attorneys  
Nebraska Beverage Association  
Nebraska County Judges Association  
Nebraska Nurses Association  
Nebraska Rural Broadband Coalition  
Nebraskans for Rate Equity  
Northern Natural Gas  
Omaha Public Power District  
Omaha Public Schools  
Parkinson's Nebraska  
Western Union  
Winnebago Tribe of Nebraska  
O'Hara, Michael J.  
Cavanaugh & Associates, P.C., L.L.O.  
Omey, Samantha  
Exxon Mobil Corporation  
Orr, Scott  
FMR LLC  
Orton, Leroy W.  
Nebraska Onsite Waste Water Association  
Nebraska State Irrigation Association  
Nebraska Well Drillers Association  
Ostrow, Sean  
DraftKings Inc.  
FanDuel, Inc.  
Othmer, Mark F.  
Iowa-Nebraska Equipment Dealers Association  
Otto, James A.  
American Communications, Inc.  
Nebraska Restaurant Association  
Nebraska Retail Federation  
Otto, Richard J.  
Nebraska Grocery Industry Association  
Nebraska Restaurant Association  
Nebraska Retail Federation  
Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe and Associates  
Paden, Nicholas K.  
Rembolt Ludtke, LLP  
Parr, Ann L.  
Farmers Mutual of Nebraska  
Partington, Jim  
Nebraska Restaurant Association  
Peetz & Company  
Advocates for Behavioral Health  
CHI Health  
Children's Hospital & Medical Center  
Cox Communications

Durham Museum  
Enel Green Power North America, Inc.  
First Five Nebraska  
Kiewit Corporation  
Metropolitan Entertainment & Convention Authority  
Microsoft Corporation  
Nebraska Nurse Practitioners  
Nebraska Trucking Association  
Oath and Other Various Subsidiaries  
Omaha Zoological Society  
Quality Living, Inc.  
School Employees' Retirement System of Douglas County School District 1  
Tenaska  
TradeWind Energy  
University of Nebraska  
Peetz, Jack  
Peetz & Company  
Peetz, Natalie  
Peetz & Company  
Peterson, Chris  
CP Strategies LLC  
Peterson, Patricia Schuett  
Nebraska Investment Finance Authority  
Petsch, Jean  
Associated General Contractors - Nebraska Building Chapter  
Pfeifer, Pat  
Nebraska State Legislative Board - Brotherhood of Locomotive Engineers  
and Trainmen  
Pitts, Kathleen  
Nebraska Appleseed  
Plucker, Julia  
Kelley Plucker, LLC  
Pollock, Andy  
Rembolt Ludtke, LLP  
Potter, Cara E.  
WellCare Health Plans, Inc.  
Potter, Tim  
AARP Nebraska  
Prockish, Ann  
CenturyLink  
Prokop, Matthew  
American Cancer Society Cancer Action Network  
Quick, Kim A.  
Nebraska Labor Unity Council c/o Teamsters Local 554  
Radcliffe, Walter H. of Radcliffe and Associates  
Advance America c/o MultiState Associates, Inc.  
Altria Client Services LLC and its Affiliates  
Bellevue Public Schools  
Enterprise Rent-A-Car

Farm Credit Services of America  
Father Flanagan's Boys' Home aka Boys Town  
Father Flanagan's Boys' Home dba Boys Town National Research  
Hospital  
Friends of Nebraska Parks  
HBAL/MOBA Coalition  
Ho-Chunk, Inc.  
Housing Policy Network  
Hy-Vee  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Medica  
Metropolitan Community College  
Motion Picture Association of America  
National Council of State Boards of Nursing  
Nebraska Association of Health Underwriters (NAHU)  
Nebraska Broadcasters Association  
Nebraska Cable Communications Association  
Nebraska Cultural Endowment  
Nebraska Health Care Association, Inc.  
Nebraska Horsemen's Benevolent and Protective Association  
Nebraska Liquor Wholesalers  
Nebraska Optometric Association  
Nebraska Psychiatric Society  
Nebraska Realtors Association  
Nebraska Society of Certified Public Accountants  
Nebraska State Cemetery Association  
Nebraska State Fair Board  
Nebraska Telecommunications Association  
Pinnacle Bank  
Property Casualty Insurers Association of America  
Speedway Motors, Inc.  
Tyson Foods, Inc.  
Woodmen of the World Life Insurance Society and Subordinate Entities

Ragland, Jina  
AARP Nebraska

Rasmussen, Jordan  
Center for Rural Affairs

Redoutey, Laura J.  
Nebraska Hospital Association

Reece, Kaitlin  
Catalyst Public Affairs

Rembolt Ludtke, LLP  
DISH Network LLC  
Nebraska Defense Counsel Association  
Nebraska Library Association  
Nebraska Rural Telecommunications Coalition  
Nebraska Travel Association (NETA)

NorthWestern Energy  
United Healthcare Services, Inc.  
Waste Connections of Nebraska, Inc.

Remington, Angie  
Nebraska Civic Engagement Table

Rempe, Jay E.  
Nebraska Farm Bureau Federation

Renner, Shawn D.  
Media of Nebraska, Inc.

Rex, L. Lynn  
League of Nebraska Municipalities

Reynoldson, Amy  
Nebraska Medical Association

Richards, Thomas  
Omaha Public Power District

Richters, Rebecca S.  
ACLU Nebraska

Rieker, Bruce R.  
Nebraska Farm Bureau Federation

Riley, Christopher T.  
Archer Daniels Midland Company

Robak, Kim M.  
Mueller Robak, LLC

Robertson, Rob J.  
Nebraska Farm Bureau Federation

Rodriguez, Luis  
Everytown for Gun Safety Action Fund

Rogers-Wright, Anthony  
GC Resolve, LLC

Rogert, Kent  
Jensen Rogert Associates, Inc.

Rosenberg, Ember  
Honda North America, Inc.

Rubel, Lauralie  
WellCare Health Plans, Inc.

Rubin, Barry R.  
Heartland Strategy Group, LLC

Ryan, June  
AARP Nebraska

Sahling-Zart, Shelley R.  
Lincoln Electric System

Sanaie, Kandice  
Express Scripts Holding Co.

Schaefer, Matthew T.  
Mueller Robak, LLC

Schilz, Kenneth  
Bruning Law Group  
Nebraska Strategies

Schmit-Albin, Julie

Nebraska Right to Life  
Schrader, Cora  
Peetz & Company  
Schuller, Lynne  
Nebraska Horsemen's Benevolent and Protective Association  
Nebraska Propane Gas Association  
Scott, Randi K.  
O'Hara Lindsay & Associates, Inc.  
Sedlacek, Ronald J.  
Catalyst Public Affairs  
Husch Blackwell LLP  
Nebraska Chamber of Commerce & Industry  
Seelhoff, Janet  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Home Care Association  
Shelburn, Jessica  
Americans for Prosperity  
Siefken, Kathy  
Nebraska Grocery Industry Association  
SHAZAM  
Silke, Vanessa  
Baird Holm LLP  
Sims, Jim  
NioCorp  
Slattery, David  
Nebraska Hospital Association  
Slone, Bryan  
Nebraska Chamber of Commerce & Industry  
Smith, Erica  
Institute for Justice  
Sobotta, Russell  
Sanofi US  
Spady, Robin  
Nebraska Municipal Power Pool  
Spatz, John  
Nebraska Association of School Boards  
Spohn, Katherine J.  
Bruning Law Group  
Nebraska Strategies  
Stahly, Dee Ann  
Dexcom, Inc.  
Stembridge, Kurt  
Greenwich Biosciences, Inc.  
Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock  
Streetman, Terrance  
Alzheimer's Association Nebraska Chapter  
Stupar, Robert  
Enel Green Power North America, Inc.

Sullivan, J. Scott  
Nebraska Credit Union League

Summers, Juliet  
Voices for Children in Nebraska

Sundquist, Joni  
Nebraska Society of Certified Public Accountants

Swanson, Heather  
Nebraska Affiliate of the American College of Nurse-Midwives

Tabor, Noah  
Medica

Tang, Cathy  
Everytown for Gun Safety Action Fund

Taylor, Bruce  
Dexcom, Inc.

Thielen, Nicholas  
EHPV Lottery Services LLC aka Big Red Keno  
Vigilnet America LLC

Thompson, Brian  
Consolidated Companies, Inc.

Todd, A. Loy, Jr.  
Nebraska New Car & Truck Dealers Association

Torpy, Katie  
Nature Conservancy, The

Tse, Julia  
Voices for Children in Nebraska

Vaughan, Dustin  
Husch Blackwell Strategies LLC

Venzor, Tom  
Nebraska Catholic Conference

Voigt, Molly  
Giffords

Vokal, James D., Jr.  
Platte Institute for Economic Research

Voyles, Seth  
Omaha Public Power District

Wagner, Chris  
Project Extra Mile

Wang, Jennifer Rae  
Cox Communications

Ward, Kathryn  
AARP Nebraska

Watson, James S.  
Nebraska Association of Medicaid Health Plans

Weber, Michelle  
Zulkoski Weber LLC

Weber, Rocky  
Nebraska Cooperative Council

Wellman, Sarah  
Werner Enterprises, Inc. and Subsidiaries

Wesely, Don  
O'Hara Lindsay & Associates, Inc.

Westerhold, Russell  
Nowka & Edwards

Wetzel, Jason  
General Motors LLC

White, Rosemary  
AAA Nebraska and The Auto Club Group

Wickersham, William R.  
Nebraska Association of Former State Legislators

Wickman-Byrd, Barbara J.  
Nebraska State Home Builders Association

Wightman, Anna Castner  
First National of Nebraska, Inc.

Wiltgen, Jennifer  
Nebraska Total Care

Winger, Dwight R.  
Pinpoint Holdings, Inc.

Winter, Robert  
Greater Nebraska Schools Association

Woepfel, Ed  
Nebraska Cooperative Council

Wolf, Ron  
Nebraska State Irrigation Association

Wurster, Donald F.  
National Indemnity Company

Young, Hannah  
Nonprofit Association of the Midlands

Zalenski, Susan D.  
Johnson & Johnson

Zulkoski Weber LLC  
Archer Daniels Midland Company  
Bio Nebraska Life Sciences Association  
Cedars Youth Services  
Consortia Consulting  
Ducks Unlimited, Inc.  
Kum & Go  
Merck Sharp and Dohme Corp.  
Nebraska Academy of Physician Assistants  
Nebraska Association of Resources Districts  
Nebraska Broadband Coalition  
Nebraska County Attorneys Association  
Nebraska Domestic Violence Sexual Assault Coalition  
Nebraska Economic Developers Association  
Nebraska Emergency Medical Services Association  
Nebraska Hospital Association  
Nebraska Independent Community Bankers  
Nebraska Veterinary Medical Association  
Nelnet, Inc.

Renewable Fuels Nebraska  
Visiting Nurse Association  
Women's Fund of Greater Omaha, Inc.  
Zulkoski, Katie W.  
Zulkoski Weber LLC  
Zych, Michelle  
Women's Fund of Greater Omaha, Inc.

#### **COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Hilkemann moved to approve the final Committee on Committees report found on page 105.

The Committee on Committees report was approved with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 219.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to children; to amend sections 43-1311.03 and 43-4708, Reissue Revised Statutes of Nebraska, and section 43-4704, Revised Statutes Cumulative Supplement, 2018; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a driver's license and provide immunity from liability for caregivers; and to repeal the original sections.

**LEGISLATIVE BILL 220.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend sections 71-8607 and 71-8611, Reissue Revised Statutes of Nebraska; to adopt changes to federal law regarding vending facility programs; to change provisions relating to priority status for blind persons operating vending facilities on state property; and to repeal the original sections.

**LEGISLATIVE BILL 221.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Title Insurers Act; to amend section 44-1984, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on powers; and to repeal the original section.

**LEGISLATIVE BILL 222.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3104 and 77-3105, Reissue Revised

Statutes of Nebraska; to change and eliminate provisions relating to notice, reporting, the approval and certification of volunteer members who are eligible for a tax credit, and the claiming of the tax credit; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 223.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska National Guard; to provide for a state-sponsored insurance program for guard members; to define a term; and to provide powers and duties for the Adjutant General.

**LEGISLATIVE BILL 224.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Educational, Health, and Social Services Finance Authority Act; to amend sections 58-801, 58-802, 58-803, 58-804, 58-805, 58-806, 58-807, 58-811, 58-813, 58-817, 58-818, 58-820, 58-826, 58-827, 58-832, 58-834, 58-835, 58-836, 58-837, 58-838, 58-841, 58-843, 58-844, 58-845, 58-846, 58-847, 58-849, 58-850, 58-851, 58-853, 58-854, 58-855, 58-856, 58-857, 58-862, 58-863, and 58-866, Revised Statutes Cumulative Supplement, 2018; to rename the act; to provide applicability of the act to cultural institutions; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 225.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 226.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva.

**LEGISLATIVE BILL 227.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to a determination of a public or private nuisance; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to insurance; to prohibit certain insurance practices relating to a person's status as a living organ donor.

**LEGISLATIVE BILL 229.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to weights and measures; to amend section

89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 230.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2018; to change provisions and provide requirements for room confinement for juveniles as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 231.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2709, 43-272, and 43-3102, Reissue Revised Statutes of Nebraska; to create a fund; to provide for grants to offset the cost to counties of providing legal counsel for indigent juveniles; to require reports; to require a juvenile indigent defense filing fee; to change provisions relating to appointment of counsel for juveniles and standards for guardians ad litem and attorneys in juvenile court; to provide for rescission of a waiver of counsel by a juvenile; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 232.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to counties; to amend section 81-8,236, Revised Statutes Cumulative Supplement, 2018; to reduce the threshold amount for claims against the state for prosecution costs; and to repeal the original section.

**LEGISLATIVE BILL 233.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 28-913, Reissue Revised Statutes of Nebraska; to prohibit introduction of mobile or cellular telephones into a detention facility; to define terms; to provide for approval of mobile or cellular telephones by the Director of Correctional Services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 234.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-804, 15-840, and 16-726, Reissue Revised Statutes of Nebraska, and section 17-714, Revised Statutes Cumulative Supplement, 2018; to provide requirements for payment of certain claims; and to repeal the original sections.

**LEGISLATIVE BILL 235.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to prohibited acts; to change exceptions for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 236.** Introduced by Crawford, 45; Blood, 3; Clements, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Reissue Revised Statutes of Nebraska; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

**LEGISLATIVE BILL 237.** Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax collection fees; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 238.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to executions; to amend sections 83-969 and 83-970, Revised Statutes Cumulative Supplement, 2018; to require two members of the Legislature to be present for executions as prescribed; to change provisions relating to witnessing executions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 239.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-906, Reissue Revised Statutes of Nebraska; to change provisions relating to notices of hearing on county budgets; and to repeal the original section.

**LEGISLATIVE BILL 240.** Introduced by Hansen, M., 26; Bolz, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to competency to stand trial; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 241.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 79-761 and 79-1035, Revised Statutes Cumulative Supplement, 2018; to state findings; to change mentor teacher program guidelines; to authorize the awarding of grants for teacher mentoring programs as prescribed; to change the use of

income from solar and wind agreements on school lands; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 242.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to public utilities; to adopt the Infrastructure Improvement and Replacement Assistance Act; and to declare an emergency.

**LEGISLATIVE BILL 243.** Introduced by Gragert, 40; Brandt, 32; Dorn, 30; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to soil; to create the Healthy Soils Task Force; to provide powers and duties; and to require reports.

**LEGISLATIVE BILL 244.** Introduced by Erdman, 47; Clements, 2.

A BILL FOR AN ACT relating to the Massage Therapy Practice Act; to amend sections 38-1701, 38-1702, 38-1707, and 38-1715, Reissue Revised Statutes of Nebraska; to provide for mobile massage therapy establishments; to define and redefine terms; to provide for licensure; to change powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 245.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to remove an exception from the preferred drug list for certain prescription drugs; and to repeal the original section.

**LEGISLATIVE BILL 246.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to elections; to amend sections 23-202, 23-293, 31-787, 31-793, 32-116, 32-202, 32-552, 32-631, 32-803, 32-952, 32-956, 32-1002, 32-1008, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska, and sections 18-2713, 32-330, 32-1007, and 32-1303, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to township organization, ballot questions, recall petitions and elections, voter registration records, petition signature verification, publication of sample ballots, special elections by mail, recounts, and initiative and referendum measures; to eliminate duties of the Secretary of State; to require the provision of an approved map to the election commissioner or county clerk for purposes of adjusting boundaries; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 247.** Introduced by Bolz, 29; Linehan, 39.

A BILL FOR AN ACT relating to advance health care directives; to adopt

the Advance Mental Health Care Directives Act.

**LEGISLATIVE BILL 248.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to amend sections 20-126, 20-128, 20-131.01, 20-131.04, 28-1009.01, 71-4720, and 83-101.14, Reissue Revised Statutes of Nebraska; to change terminology relating to hearing-impaired persons; to remove obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 249.** Introduced by Howard, 9; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Revised Statutes Cumulative Supplement, 2018; to change statutes of limitations on civil actions arising from sexual assault and sexual assault of a child; to clarify requirements for bringing such civil actions; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 250.** Introduced by Walz, 15; Albrecht, 17; Briese, 41; Crawford, 45; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to agricultural or horticultural land receiving special valuation; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 251.** Introduced by Walz, 15; Crawford, 45; Howard, 9; Hunt, 8; Kolowski, 31; Lathrop, 12; Quick, 35; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to schools; to adopt the Child Hunger and Workforce Readiness Act.

**LEGISLATIVE BILL 252.** Introduced by Geist, 25; Arch, 14; Briese, 41; Lowe, 37; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to the state lottery; to amend section 9-823, Reissue Revised Statutes of Nebraska; to provide a condition relating to advertisements; and to repeal the original section.

**LEGISLATIVE BILL 253.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2018; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability;

and to repeal the original sections.

**LEGISLATIVE BILL 254.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-202, Revised Statutes Cumulative Supplement, 2018; to adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 255.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to state intent and change provisions relating to federal Supplemental Nutrition Assistance Program benefits; and to repeal the original section.

**LEGISLATIVE BILL 256.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1509, Reissue Revised Statutes of Nebraska; to authorize insurance coverage for community college boards of governors members as prescribed; to repeal the original section; and to declare an emergency.

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

**LEGISLATIVE RESOLUTION 7.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Groene, 42; Hilgers, 21; Kolterman, 24; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1; Wayne, 13; Williams, 36.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding

officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

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

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

Senator Gragert name added to LB5.  
Senator Gragert name added to LB6.  
Senator Linehan name added to LB6.  
Senator Gragert name added to LB12.  
Senator Linehan name added to LB12.  
Senator Linehan name added to LB14.  
Senator Walz name added to LB14.  
Senator Briese name added to LB14.  
Senator McDonnell name added to LB17.  
Senator Brandt name added to LB28.  
Senator Morfeld name added to LB38.  
Senator Gragert name added to LB115.  
Senator Linehan name added to LB138.  
Senator Lowe name added to LB139.  
Senator Lowe name added to LB156.  
Senator Wishart name added to LB187.  
Senator Wishart name added to LB188.  
Senator Wishart name added to LB205.  
Senator Briese name added to LR3CA.

**ADJOURNMENT**

At 11:04 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Tuesday, January 15, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - JANUARY 15, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, January 15, 2019

**PRAYER**

The prayer was offered by Senator Hilkemann.

**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 Senator Kolowski who was excused; and Senators Chambers, Linehan, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB97	Revenue (rereferred)
LB136	Urban Affairs
LB137	General Affairs
LB138	Transportation and Telecommunications
LB139	Business and Labor
LB140	Health and Human Services
LB141	Judiciary
LB142	Transportation and Telecommunications
LB143	Judiciary
LB144	Government, Military and Veterans Affairs
LB145	Banking, Commerce and Insurance
LB146	Judiciary
LB147	Education
LB148	Government, Military and Veterans Affairs
LB149	General Affairs

LB150	Government, Military and Veterans Affairs
LB152	Government, Military and Veterans Affairs
LB153	Revenue
LB154	Judiciary
LB155	Natural Resources
LB156	Transportation and Telecommunications
LB157	Agriculture
LB158	Revenue
LB159	Banking, Commerce and Insurance
LB160	Urban Affairs
LB161	Education
LB162	Revenue
LB163	Government, Military and Veterans Affairs
LB164	Judiciary
LB165	Education
LB166	Judiciary
LB167	Judiciary
LB168	Judiciary
LB169	Health and Human Services
LB170	Revenue
LB171	Appropriations
LB172	Banking, Commerce and Insurance
LB173	Judiciary
LB174	Appropriations
LB175	Government, Military and Veterans Affairs
LB176	Judiciary
LB177	Natural Resources
LB178	Business and Labor
LB179	Judiciary
LB180	Education
LB181	Appropriations
LB182	Revenue
LB183	Revenue
LB184	Transportation and Telecommunications
LB185	Revenue
LB186	Government, Military and Veterans Affairs
LB187	Revenue
LB188	Banking, Commerce and Insurance
LB189	Government, Military and Veterans Affairs
LB190	Transportation and Telecommunications
LB191	Government, Military and Veterans Affairs
LB192	Transportation and Telecommunications
LB193	Urban Affairs
LB194	Urban Affairs
LB195	Urban Affairs
LB196	Urban Affairs
LB197	Urban Affairs
LB198	Judiciary
LB199	Appropriations

LB200 Health and Human Services  
LB201 Agriculture  
LB202 Appropriations  
LB203 General Affairs  
LB204 Government, Military and Veterans Affairs  
LB205 Health and Human Services  
LB206 Judiciary  
LB207 Judiciary  
LB208 Transportation and Telecommunications  
LB209 Judiciary  
LB210 Government, Military and Veterans Affairs  
LB211 Government, Military and Veterans Affairs  
LB212 Government, Military and Veterans Affairs  
LB213 Judiciary  
LB214 Government, Military and Veterans Affairs  
LB215 Transportation and Telecommunications  
LB216 Judiciary  
LB217 Business and Labor  
LB218 Revenue  
LR5CA Education

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 1524

Tuesday, January 22, 2019 1:30 p.m.

Bryan Tuma - Climate Assessment Response Committee  
LB61

(Signed) Steve Halloran, Chairperson

Nebraska Retirement Systems

Room 1507

Tuesday, January 22, 2019 12:30 p.m.

LB33

(Signed) Mark Kolterman, Chairperson

**ANNOUNCEMENT(S)**

The Urban Affairs Committee elected Senator Hunt as Vice Chairperson.

The General Affairs Committee elected Senator Lowe as Vice Chairperson.

The Nebraska Retirement Systems Committee elected Senator Lindstrom as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 257.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to change provisions relating to loss payouts and to provide for the addition of certain parties on loss payout checks as prescribed.

**LEGISLATIVE BILL 258.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to finance; to amend sections 8-209, 8-218, 8-346, 44-915, and 76-2,121, Reissue Revised Statutes of Nebraska, sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-602, 21-17,115, 45-702, and 81-885.01, Revised Statutes Cumulative Supplement, 2018, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Banking Act, the Nebraska Trust Company Act, building and loan associations, the Credit Union Act, the Privacy of Insurance Consumer Information Act, the Residential Mortgage Licensing Act, real estate closing agents, the Nebraska Real Estate License Act, and the Uniform Commercial Code, funds transfers; to update references to certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change executive officer's and loan officer's license fees; to eliminate and replace obsolete references to the Office of Thrift Supervision; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 259.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-1704, 8-1707, 8-1726, 69-2103, 69-2104, 69-2112, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1101.01, 8-1103, 8-1108.02, and 8-1111, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to change provisions relating to the Securities Act of Nebraska, the Commodity Code, and the Consumer Rental Purchase Agreement Act; to change or eliminate obsolete provisions; to adopt certain federal provisions; to restate Securities Act Cash Fund provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 260.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery audit contractors; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by DeBoer, 10; Blood, 3; Cavanaugh, 6; Crawford, 45; Dorn, 30; Gragert, 40; Hunt, 8; Kolowski, 31; McCollister, 20; McDonnell, 5; Quick, 35; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to redistricting; to require the use of maps drawn using state-issued computer software.

**LEGISLATIVE BILL 262.** Introduced by DeBoer, 10; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change membership and duties of the long-term restrictive housing work group; to provide a duty for the Director of Correctional Services; and to repeal the original section.

**LEGISLATIVE BILL 263.** Introduced by Clements, 2; Bostelman, 23; Brewer, 43; Briese, 41; Gragert, 40; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 264.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Reissue Revised Statutes of Nebraska; to redefine the term premises; and to repeal the original section.

**LEGISLATIVE BILL 265.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to finance; to amend sections 45-901 and 45-1001, Revised Statutes Cumulative Supplement, 2018; to adopt the Unsecured Consumer Loan Licensing Act; to provide penalties; to create a fund; to clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 266.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the School Readiness Tax Credit Act; to amend sections 71-1962, 77-3603, and 77-3604, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to a tax credit for child care and education providers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 267.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Reissue Revised Statutes of Nebraska; to provide a duty for the county board relating to deficient bridges and authorize a tax levy; and to repeal the original section.

**LEGISLATIVE BILL 268.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.

**LEGISLATIVE BILL 269.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to school permits; and to repeal the original section.

**LEGISLATIVE BILL 270.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1214, 37-1292, 60-3,162, 60-482, 60-4,146.01, and 60-4,155, Reissue Revised Statutes of Nebraska, and sections 37-1278, 37-1280, 37-1293, 60-119.01, 60-144, 60-149, 60-151, 60-171, 60-173, 60-174, 60-336.01, 60-386, 60-3,104.01, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,187, 60-3,221, 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-495, 60-4,118, 60-4,122, 60-4,158, 60-4,182, 60-501, 60-628.01, and 60-6,209, Revised Statutes Cumulative Supplement, 2018; to authorize the update of electronic certificate of title records as prescribed; to change and eliminate provisions relating to applications for certificates of title, applications for registration, salvaged motorboats and vehicles, low-speed vehicles, improperly registered certificates of registration, towing of trailers, renewal of state identification cards, the point system for traffic violations, and rules and regulations; to authorize temporary license stickers as prescribed; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 271.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,185.11, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of releases, covenants not to sue, or similar agreements on joint and several liability; and to repeal the original section.

**LEGISLATIVE BILL 272.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 273.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-520, Revised Statutes Cumulative Supplement, 2018; to provide a restricted funds budget limitation exception as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 274.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 275.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2402, 69-2404, 69-2405, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2427, 69-2429, 69-2430, 69-2436, and 69-2439, Reissue Revised Statutes of Nebraska; to define terms; to require notification when a person prohibited by state or federal law attempts to purchase, lease, rent, or receive transfer of a handgun, apply for a permit or renew a permit to carry a concealed handgun under the Concealed Handgun Permit Act, or has such a permit revoked; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 276.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-2734.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of income from certain small business corporations and limited liability companies; and to repeal the original sections.

**LEGISLATIVE BILL 277.** Introduced by McCollister, 20; DeBoer, 10;

Kolowski, 31; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189 and 83-190, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original sections.

**LEGISLATIVE BILL 278.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,189, Revised Statutes Cumulative Supplement, 2018; to provide a veteran notation for certain members of the United States Public Health Service or National Oceanic and Atmospheric Administration; and to repeal the original section.

**LEGISLATIVE BILL 279.** Introduced by Bostelman, 23; Brewer, 43; Gragert, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt food sold by veterans service organizations from sales and use tax as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Brewer, 43; Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,126, Revised Statutes Cumulative Supplement, 2018; to change a civil penalty for violations under the act; and to repeal the original section.

**LEGISLATIVE BILL 281.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to schools; to provide for posting a child abuse or neglect statewide toll-free number as prescribed; and to provide for creation of a poster.

**LEGISLATIVE BILL 282.** Introduced by Hansen, M., 26; Cavanaugh, 6.

A BILL FOR AN ACT relating to bail; to amend section 29-901, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to granting of bail in cases involving certain misdemeanors or violations of city or county ordinances; to require appointment of counsel; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 283.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to climate; to provide duties for the University of Nebraska; to transfer funds; to require reports.

**LEGISLATIVE BILL 284.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Remote Seller and Marketplace Facilitator Act; to provide an operative date; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 285.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds to the Nebraska Power Review Board for a study; to state public policy; and to declare an emergency.

**LEGISLATIVE BILL 286.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal justice; to create the Coordinated Reentry Council; to provide powers and duties for the council; and to provide a termination date.

**LEGISLATIVE BILL 287.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-202, 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1214, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define terms; to change and provide duties for the Game and Parks Commission relating to dissemination of promotional items, reduced rate permits and stamps, replacement permit fees, and adoption and promulgation of rules and regulations and issuance of orders; to change provisions relating to lifetime, multiple-year, and annual stamps and fees; to change annual permit fees and temporary permit fee minimums; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits for random drawings; to change provisions relating to hunter orange display requirements; to change motorboat registration fees as prescribed; to change provisions relating to fees for the Aquatic Invasive Species Program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 288.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska; to change income tax rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 289.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Reissue Revised Statutes of Nebraska; to change provisions relating to county assessor inspections of real property for property tax purposes; and to repeal the original section.

**LEGISLATIVE BILL 290.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska; to change the sales and use tax rate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 291.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms relating to sales and use taxes; to change provisions relating to sales and use tax permits and collection; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 292.** Introduced by Vargas, 7; McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

#### **MOTION - Escort Governor**

Senator Friesen moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Crawford, McDonnell, Geist, Bostelman, and Hughes to serve on said committee.

#### **STATE OF THE STATE ADDRESS**

*"Our republic works best when we find areas of collaboration where we can put Nebraskans first."*

*"Over the past four years, we have strengthened Nebraska's place in the world with our four pillars for growth."*

*"Property tax relief is the number one priority Nebraskans want as I travel the state."*

President Foley, Speaker Scheer, Members of the Legislature, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife, Susanne—good morning!

Once again, congratulations on the commencement of the 106th Nebraska Legislature. And congratulations to Speaker Scheer on your reelection. I look forward to working with you.

The Unicameral is a unique institution among legislative bodies in our nation. Each of you has a solemn responsibility as one of forty-nine citizen legislators to represent the best interests of your constituents.

As I begin, I want to take a moment to welcome the newest members of the body. Each of you brings significant experiences and perspectives. Senator Arch has a background in healthcare administration. Senators Brandt, Murman, and Dorn will be voices for agriculture as we work to grow our number one industry. Senators Cavanaugh and DeBoer have experience in higher education. Senator Gragert is a 40-year veteran of the Air Force and Nebraska National Guard. Senators Hansen, Hunt, La Grone, and Slama bring important perspectives as entrepreneurs, small business owners, and young professionals. Senator Lathrop returns as a seasoned legislator. And Senator Moser is a small business owner and a former local public servant as Mayor of Columbus.

Let's recognize this new class and welcome them again.

In the coming weeks and months, each of us will use our experience as we shape public policy and work together. Our republic works best when we find areas of collaboration where we can put Nebraskans first.

As we begin our work this year, I am happy to report to you that the state of the state is strong and growing.

Last week, I relayed in my inaugural address that Nebraska has achieved high marks over the past year. We are the number one state for fiscal condition; number two for cost of doing business and regulatory environment; we have the third highest wage growth since 2014; we have the fourth best workforce participation rate; Forbes says we are the fifth best state for business; and we have the sixth lowest unemployment rate in the country.

Over the past four years, we have strengthened Nebraska's place in the world with our four pillars for growth, which include developing our people; cutting the regulatory red tape; controlling spending so we can deliver tax relief; and promoting Nebraska both nationally and internationally.

This has led us to back-to-back awards for the most economic development projects per capita of any state in the nation.

In our work this year, it is important to remember that even as the state is employing record numbers of Nebraskans, our number one industry, agriculture, is grappling with low commodity prices. Since 2013, farm income in Nebraska has been cut by over 60 percent. Think about that for a

moment: When a family's income falls by over half, you are forced to make tough decisions that have a significant impact on your way of life. During this session and throughout the year, we must work to expand opportunities for our farm and ranch families.

We are doing that in the area of value-added agriculture, so more families can bring the next generation home to the family farm. Last year, we welcomed six new counties into the state's Livestock Friendly County program for a total of 49.

Layering livestock into the family operation is a game-changer for many families. Take for example the Schulz family of Seward County. Three generations of Schulzes have joined us today under the north balcony. They recently received approval to build a barn to raise chickens for Costco. Their new poultry operation will allow Joe, the third generation and a recent University of Nebraska graduate, to return to the family farm. Please help me welcome and congratulate Joe and the Schulz family.

As I worked on this two-year budget, I had one thing in mind: the people of Nebraska. We have a responsibility to the people we care for and the people who pay the bills, the taxpayers. Let's put Nebraskans first as we work on this budget.

In all my budgets, I have worked to keep the rate of growth at about 3 percent or less. The budget I am presenting to you today is no different, and keeps the rate of spending growth to 3.1 percent. A significant portion of this spending increase is attributable to Medicaid expansion and state aid to public schools. In my budget, state agencies continue to control spending growth with an average two-year operations increase of just 2.3 percent.

Even while controlling spending, we have prioritized new initiatives to help grow Nebraska, recognize the dignity of human life, and protect public safety.

With this budget, we can do more to help grow Nebraska in three ways.

First, we are doing more to help Nebraskans take great-paying jobs. Job creators across the state name workforce as a top priority. We have a low unemployment rate, a high labor force participation rate, and lots of great jobs.

With the right opportunities, the next generation of Nebraskans can find a pathway that gives them the career they need to stay in Nebraska and enjoy the Good Life. Take for example the story of Chris Nightser. Chris started high school with industrial arts classes. After graduation, he took a job in a fabrication shop, which then led to a career with Miller Electric starting as an apprentice. He has earned his Associate's Degree, Bachelor's Degree, and Master's in Business Administration while working thanks to tuition reimbursement programs and scholarships. This gave him over \$100,000

worth of education with relatively little debt. Today, he is the Pre-Fabrications Operations Manager at Miller Electric.

Chris' story is important because he was exposed to opportunities in this field at an early age, and he was able to take advantage of them because of an apprenticeship, scholarships, and tuition reimbursement. Please help me welcome Chris, who is in the north balcony.

To help more Nebraskans like Chris find great careers, I am making two new proposals. As previously announced, I am recommending the creation of the Nebraska Talent Scholarships program to help our community colleges, state colleges, and the university system attract even more students in targeted programs from engineering to healthcare with over 2,100 new scholarships.

Additionally, I am recommending the expansion of the Developing Youth Talent Initiative to connect more middle school students to opportunities in manufacturing and IT with an additional \$1.25 million annually. This program has already impacted 7,000 students, and this expansion will help reach even more.

Working together to create more pathways, we can help connect more Nebraskans with the countless great opportunities available in communities statewide.

Second, my budget also takes new steps to make state government more effective, more efficient, and more customer-focused. Over the past two years, we have worked together to successfully create a Department of Transportation and a unified veterans' agency. This year, Senator Hughes and I are proposing to bring together the Department of Environmental Quality and the Energy Office. Creating a Department of Environment and Energy that will allow the state to form a more unified vision and strategic plan for our work in these related areas.

Senator Lowe and I are also recommending moving three key safety inspection programs from the Department of Labor to the State Fire Marshal's Office to better align with its purpose of protecting public safety.

The third priority we are working on in this budget is tax relief. Thanks to our work on controlling spending over the last few years, we have been able to build new tax relief into this budget.

Property tax relief is the number one priority Nebraskans want as I travel the state. And many of you have shared similar stories with me from your districts.

I have three property tax relief proposals.

First, my budget provides \$51 million in new, direct property tax relief

through the Property Tax Credit Relief Fund each year. This is a 23 percent increase in property tax relief from this fund to all Nebraska property owners.

Second, Senator Lindstrom and I are recommending that we establish a statutory floor of \$275 million for the Property Tax Credit Relief Fund. This will give taxpayers more certainty about future relief.

Third, Senator Linehan and I are proposing to establish a three percent cap on property taxes levied by local governments. Over the past decade, local property taxes have risen over 57 percent. To deliver long-term, structural relief, it is important that we limit the growth of property taxes. Our proposal comes in the form of a constitutional amendment, which must be approved by the people after receiving your consideration.

These proposals, together, will help deliver immediate relief and structural reform.

Furthermore, I stand ready to work with all of you on additional property tax relief proposals, such as Senator Erdman's income potential valuation bill, which would help deliver much-needed reform to our property tax system. I know there will be many proposals introduced this year. As we work on property tax relief, any proposal should help control spending, fit in the budget, and cannot raise taxes on one group of people to reduce taxes on another group.

My last proposal in the area of tax policy delivers relief for Nebraska's veterans. Thank you to Senators Brewer, Blood, Bostelman, Clements, Crawford, Gragert, Linehan, and Lowe for your work on this initiative to help make Nebraska a better place to retire as a veteran. Our proposal is a 50 percent tax cut for all veterans receiving military retirement benefits. Five of our six surrounding states do not tax veterans' retirement benefits. This proposal is a step forward, which makes Nebraska more tax competitive, so we can keep more of our veterans and their families here after retirement.

Numerous veterans and representatives from the Nebraska National Guard have joined us here today and are sitting in the north balcony. Please help me recognize them!

Another important area that will be addressed this session is incentives. You all have already started an important conversation about the future of Nebraska Advantage and what the state's tax incentives should look like. Across the nation, incentives are an important tool for attracting new investments and jobs. As you work to reform incentives, I encourage you to keep in mind these goals. Nebraskans want tax policy that is simple; transparent; accountable; and attracts higher-paying jobs.

Finally, there are a few more items that I want to highlight in my budget.

My budget implements Initiative 427, fully funds state aid to K-12 public schools, recognizes the dignity of human life, and protects the public safety.

In November, voters approved Medicaid expansion, and my budget recommendation reflects the vote of the people of Nebraska. Right now, the Medicaid team is working to fulfill the direction of the initiative to file a state plan with the federal government by April 1st.

My budget provides new aid to K-12 public schools by fully funding the \$103.8 million TEEOSA increase. This means the formula will provide a record \$1.1 billion in annual school aid.

As I have noted before, Nebraska is a pro-life state.

My budget contains the pro-life budget language approved by the body last year. Furthermore, I want to commend Senator Albrecht for her continued work to protect the dignity of unborn life. I look forward to working with all of you this session as we represent pro-life Nebraska, and look for new ways to support expecting mothers and our unborn children.

We must also continue to protect public safety and Nebraska's communities. Each year, we have collaborated to bring about important change in our Corrections system. Together, we have completed sentencing reforms for non-violent offenders. We have invested in our prisons, and are upgrading the physical plant of our facilities to help deliver the programming we need to reduce the recidivism rate. We are assessing inmates more quickly to connect them to the right programming. And we have invested in additional staff and staff retention initiatives.

As you know, there is more work to be done. While the sentencing reforms helped to control population growth in our prisons, new felony admissions mean our population has not decreased at the rate expected. My budget recommends an additional 384 high security beds, which will help assist in bringing our prison population below the emergency level set by the Legislature.

I look forward to working with Chairman Stinner, the Appropriations Committee, and the entire body to pass this budget.

As we work together this session, many challenges and opportunities lie ahead. Let's roll up our sleeves to connect Nebraskans to great jobs, to control spending, to make government more effective, to deliver tax relief for our veterans, and to cut property taxes.

This session and this budget present an opportunity to put the priorities of the taxpayers and people of Nebraska first.

I ask for your help in enacting this vision to grow Nebraska.

God bless you all and God bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 293.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, sections 27, 43, 53, 66, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 294.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2021; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 295.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2019-20 and FY2020-21; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 296.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2019-20 and FY2020-21; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 297.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 298.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-218, 71-7611, and 86-563, Reissue Revised Statutes of Nebraska, and sections 45-621, 81-15,175, and 84-1227, Revised Statutes Cumulative Supplement, 2018; to authorize, provide, change, and eliminate fund transfer provisions; to repeal funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-1327 and 86-566, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 299.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to authorize a transfer; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 300.** Introduced by Lathrop, 12; at the request of the Governor.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2018; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 301.** Introduced by Lowe, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 48-719, 48-720, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska, and sections 48-721, 48-735.01, 81-401, and 81-405, Revised Statutes Cumulative Supplement, 2018; to transfer duties under the Boiler Inspection Act, the Nebraska Amusement Ride Act, and the Conveyance Safety Act from the Department of Labor to the State Fire Marshal; to change provisions of such acts; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal section 48-1820, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 302.** Introduced by Hughes, 44; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 2-15,100, 2-3241, 2-4215, 13-1701, 13-2008, 13-2009, 13-2042.01, 37-806, 46-2,109, 46-602, 46-606, 46-704, 46-705, 46-706, 46-711, 46-721, 46-722, 46-723, 46-724, 46-725, 46-726, 46-728, 46-729, 46-730, 46-731, 46-732, 46-733, 46-743, 46-749, 46-750, 46-1102, 46-1108, 46-1109, 46-1217, 46-1301, 46-1502, 46-1642, 54-744.01, 54-2417, 54-2421, 54-2429, 57-705, 58-221, 60-6,363, 60-6,364, 60-6,367, 60-6,368, 66-203, 66-204, 66-301, 66-302, 66-303, 66-304, 66-489.02, 66-1004, 66-1009, 66-1105, 66-1344, 66-1504, 66-1518, 66-1529.02, 66-2001, 69-2011, 69-2502, 70-1003, 70-1032, 71-2433, 71-3503, 71-5302, 71-5316, 72-804, 72-805, 76-2602, 76-2608, 77-27,150, 77-27,151, 77-27,152, 77-27,153, 77-27,154, 77-27,187.01, 77-27,236, 81-1108.55, 81-1502, 81-1503, 81-1504.01, 81-1505.01, 81-1506, 81-1537, 81-1540, 81-1561, 81-15,118, 81-15,120, 81-15,123, 81-15,124, 81-15,124.01, 81-15,124.02, 81-15,124.04, 81-15,124.05, 81-15,125, 81-15,126, 81-15,127, 81-15,129, 81-15,159, 81-15,159.02, 81-15,166, 81-15,170, 81-15,177, 81-15,178, 81-15,179, 81-15,180, 81-15,183, 81-15,184, 81-15,185, 81-15,185.01, 81-15,185.02, 81-15,185.03, 81-15,186, 81-15,196, 81-15,210, 81-15,213, 81-15,229, 81-15,235, 81-15,242, 81-15,243, 81-15,245, 81-1607, 81-1609, 81-1611, 81-1612, 81-1613, 81-1616, 81-1617, 81-1618, 81-1620, 81-1625, 81-1635, 81-1636, 81-1637, 81-1638, 81-1640, 81-1641, 84-166, 86-570, and 88-550, Reissue Revised Statutes of Nebraska, and sections 2-969, 2-1501, 2-1507, 2-2626, 2-4604, 46-2,139, 46-683.01, 46-707, 46-1224, 46-1304, 49-506, 54-703, 57-1407, 57-1502, 57-1503, 81-2,294, 81-1316, 81-1504, 81-1505, 81-15,149, 81-15,159.01, 81-15,160, 81-1604, 81-1606, 81-1607.01, 81-3449, 81-3453, and 84-602.04, Revised Statutes Cumulative Supplement, 2018; to merge the State Energy Office with the Department of Environmental Quality; to rename the department, the director, and certain funds; to provide, change, transfer, and eliminate powers and duties; to provide for a permit for discharge of certain materials; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 69-2505, Reissue Revised Statutes of Nebraska, and sections 81-1601, 81-1602, 81-1603, and 81-1605, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

**LEGISLATIVE BILL 303.** Introduced by Lindstrom, 18; at the request of the Governor.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend section 77-4212, Reissue Revised Statutes of Nebraska; to change provisions relating to the amount of relief granted under the act; and to repeal the original section.

**LEGISLATIVE BILL 304.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt certain operations from the definition of a food establishment as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Crawford, 45; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

**LEGISLATIVE BILL 306.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to good cause for voluntarily leaving employment; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 307.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to water; to amend sections 71-5316, 71-5318, 71-5325, and 71-5327, Reissue Revised Statutes of Nebraska, and section 81-15,151, Revised Statutes Cumulative Supplement, 2018; to update a reference to federal law; to provide for transfers between funds by the Director of Environmental Quality; to change authorized terms of loans; to eliminate a termination provision; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 308.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-217 and 25-516.01, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions, voluntary appearances, and waivers of defenses as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2018; to increase the number of district judges in the fourth judicial district; and to repeal the original section.

**LEGISLATIVE BILL 310.** Introduced by Vargas, 7; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2906, Reissue Revised Statutes of Nebraska; to provide a deadline for the determination of the amount of tax credits; to change provisions relating to appeals; and to repeal the original

section.

**LEGISLATIVE BILL 311.** Introduced by Crawford, 45; Blood, 3; Cavanaugh, 6; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Lathrop, 12; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to employment; to amend section 48-652, Revised Statutes Cumulative Supplement, 2018; to adopt the Paid Family and Medical Leave Insurance Act; to change provisions relating to experience accounts under the Employment Security Law; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Revised Statutes Cumulative Supplement, 2018; to define a term; to change and eliminate provisions related to functions authorized for dental hygienists as prescribed; to eliminate obsolete provisions; and to repeal the original section.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 8CA.** Introduced by Linehan, 39; at the request of the Governor.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 (1) Notwithstanding Article VIII, section 1 or 5, of this Constitution or any other provision of this Constitution to the contrary, the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except as provided in subsections (2) and (3) of this section.

(2) The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in subsection (1) of this section by an amount approved by a majority of legal voters voting on the issue at an election called for such purpose upon the recommendation of a majority of the governing body of the political subdivision. Such recommendation shall include the amount by which the property tax revenue would exceed the limitation in subsection (1) of this section for the fiscal year. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.

(3) The limitation in subsection (1) of this section shall not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness that has been approved according to law.

(4) For purposes of this section, property tax revenue means revenue raised from a tax that is assessed annually upon the value of real and personal property.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except for amounts approved by voters and amounts needed to pay bonded indebtedness.

For

Against.

**NOTICE OF COMMITTEE HEARING(S)**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 22, 2019 1:30 p.m.

LB12

LB26

LB49

LB77

(Signed) Matt Williams, Chairperson

Transportation and Telecommunications

Warner Chamber

Tuesday, January 22, 2019 1:30 p.m.

LB79

LB82

LB117

LB190

(Signed) Curt Friesen, Chairperson

Education

Room 1525

Tuesday, January 22, 2019 1:30 p.m.

LB115  
LB6  
LB122  
LB73

(Signed) Mike Groene, Chairperson

Urban Affairs

Room 1510

Tuesday, January 22, 2019 1:30 p.m.

LB85  
LB67  
LB194  
LB193  
LB196

(Signed) Justin Wayne, Chairperson

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

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

- Senator Hunt name added to LB5.
- Senator Hilkekmann name added to LB7.
- Senator Hunt name added to LB12.
- Senator Hunt name added to LB13.
- Senator Williams name added to LB14.
- Senator Brandt name added to LB14.
- Senator Hilkekmann name added to LB15.
- Senator Hunt name added to LB43.
- Senator Kolowski name added to LB212.
- Senator Briese name added to LR5CA.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator McDonnell.

**ADJOURNMENT**

At 10:33 a.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Wednesday, January 16, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTH DAY - JANUARY 16, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 16, 2019

**PRAYER**

The prayer was offered by Father Mark Seiker, St. Elizabeth Ann Seton Church, North Platte.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Lowe who was excused; and Senator Hughes who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB11	Urban Affairs (referred)
LB151	Government, Military and Veterans Affairs
LB219	Judiciary
LB220	Health and Human Services
LB221	Banking, Commerce and Insurance
LB222	Revenue
LB223	Government, Military and Veterans Affairs
LB224	Banking, Commerce and Insurance
LB225	Appropriations
LB226	Appropriations
LB227	Agriculture
LB228	Banking, Commerce and Insurance
LB229	Agriculture
LB230	Judiciary
LB231	Judiciary

LB232 Appropriations  
 LB233 Judiciary  
 LB234 Urban Affairs  
 LB235 General Affairs  
 LB236 Revenue  
 LB237 Revenue  
 LB238 Judiciary  
 LB239 Government, Military and Veterans Affairs  
 LB240 Judiciary  
 LB241 Education  
 LB242 Revenue  
 LB243 Agriculture  
 LB244 Health and Human Services  
 LB245 Health and Human Services  
 LB246 Government, Military and Veterans Affairs  
 LB247 Judiciary  
 LB248 Health and Human Services  
 LB249 Judiciary  
 LB250 Revenue  
 LB251 Education  
 LB252 General Affairs  
 LB253 Executive Board  
 LB254 Business and Labor  
 LB255 Health and Human Services  
 LB256 Education  
 LR7 Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson  
 Executive Board

#### **ANNOUNCEMENT(S)**

The Education Committee elected Senator Walz as Vice Chairperson.

The Health and Human Services Committee elected Senator Arch as Vice Chairperson.

#### **NOTICE OF COMMITTEE HEARING(S)** Health and Human Services

Room 1510

Wednesday, January 23, 2019 1:30 p.m.

LB74  
 LB22  
 LB205

Wednesday, January 23, 2019 1:00 p.m.

Credentialing Review (407) Program Briefing

(Signed) Sara Howard, Chairperson

Revenue

Room 1524

Wednesday, January 23, 2019 1:30 p.m.

LB5  
LB50  
LB69  
LB84  
LB88

(Signed) Lou Ann Linehan, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 313.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-901, 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-911, 47-912, 47-913, 47-914, 47-915, 47-916, 47-917, 47-918, 47-920, 81-8,241, 81-8,244, 81-8,245, and 83-1,135.04, Revised Statutes Cumulative Supplement, 2018; to rename the Office of Inspector General of the Nebraska Correctional System Act; to restate intent; to define and redefine terms; to provide the Office of Inspector General of the Nebraska Correctional System with authority to investigate regional centers; to provide duties for the Division of Behavioral Health; to change provisions relating to qualifications of the Inspector General; to require a report; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 314.** Introduced by Briese, 41; Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, 77-202, 77-382, 77-693, 77-801, 77-1116, 77-1238, 77-1248, 77-1327, 77-2602, 77-2701, 77-2701.02, 77-2701.16, 77-2704.24, 77-2715, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2717, 77-2734.01, 77-27,132, 77-4001, 77-4002, 77-4007, 77-4025, 79-1142, 79-1145, 81-3706, and 81-3722, Reissue Revised Statutes of Nebraska, and sections 44-1095, 53-160, 53-187, 79-1005.01, and 79-1144, Revised Statutes Cumulative Supplement, 2018; to adopt the Remote Seller Sales Tax Collection Act; to remove a property tax exemption for fraternal benefit

societies; to increase taxes on alcohol; to increase the documentary stamp tax and the cigarette tax; to provide sunset dates for the Personal Property Tax Relief Act and the New Markets Job Growth Investment Act; to impose a surtax on certain individuals; to increase the sales tax rate; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; to change provisions relating to the alternative minimum tax, the earned income tax credit, the tax on certain extraordinary dividends and capital gains, the tax on certain small business corporation and limited liability company income, and itemized deductions; to provide an income tax credit for certain renters; to change the distribution of certain revenue; to tax vapor products under the Tobacco Products Tax Act; to change provisions relating to allocated income tax funds and special education; to create the School Financing Review Commission and provide duties; to change provisions of the Nebraska Visitors Development Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.65 and 77-2704.67, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 315.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2002 and 77-2018.02, Reissue Revised Statutes of Nebraska; to provide an exemption relating to life insurance proceeds; to change provisions relating to certain inheritance tax proceedings; and to repeal the original sections.

**LEGISLATIVE BILL 316.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.

**LEGISLATIVE BILL 317.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to modular housing and manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 71-1559, 71-1566, 71-1569, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01, 71-4605, 71-4606, 71-4608, 71-4609, 71-4610, 71-4611, 71-4614, 71-4615, 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621, 71-6405, 75-109.01, 75-156, 75-159, 76-1463, 81-5,138, and 81-1615, Reissue Revised Statutes of Nebraska, and section 60-1901, Revised Statutes Cumulative Supplement, 2018; to eliminate inspection authority of the Public Service Commission under the Nebraska Uniform Standards for Modular Housing Units Act; to eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and to rename the code; to redefine terms under the Uniform Standard Code for Mobile Home Parks; to change provisions relating to applicability of the Building Construction Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4613, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 318.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to petroleum products liens; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 31-1017 and 61-206, Reissue Revised Statutes of Nebraska, and section 46-753, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice and rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 320.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2628, 2-2630, 2-2632, 2-2637, 2-2640, 2-2643, 2-2643.02, 2-2645, and 2-2653, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2626, 2-2629, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, and 2-2656, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to update federal references; to change Department of Agriculture powers and duties; to change provisions relating to registration requirements and applications, service of process, labeling requirements, application fees, pesticide applicator and restricted-use pesticide provisions, commercial, noncommercial, and private applicator licenses, noncertified applicator restrictions, records requirements, license holder duties, violations, claims of damages, inspections, and prohibited acts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-186 and 89-187.01, Reissue Revised Statutes of Nebraska, and sections 89-187 and 89-187.02, Revised Statutes Cumulative Supplement, 2018; to update certain standards and regulations; to change provisions relating to Director of Agriculture duties and Department of Agriculture device inspection fees; to remove obsolete provisions; to eliminate a signature requirement on a permit application; and to repeal the original sections.

**LEGISLATIVE BILL 322.** Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1419 and 28-1427, Reissue Revised Statutes of Nebraska; to change provisions relating to enforcement of certain tobacco restriction provisions relating to possession by minors; and to repeal the original sections.

**LEGISLATIVE BILL 323.** Introduced by Crawford, 45; Linehan, 39.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427; to change eligibility requirements for certain disabled persons; and to repeal the original section.

**LEGISLATIVE BILL 324.** Introduced by La Grone, 49; Hilgers, 21.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend section 86-1029.02, Revised Statutes Cumulative Supplement, 2018; to change a provision relating to immunity from liability as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 325.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-3,107 and 60-3,108, Reissue Revised Statutes of Nebraska, and sections 60-3,185 and 60-3,189, Revised Statutes Cumulative Supplement, 2018; to provide motor vehicle tax exemptions for one hundred percent service-connected disability compensation rated veterans and dependency and indemnity compensation recipients; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 326.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Hunt, 8; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 327.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to increase rates paid for certain behavioral health services; and to earmark appropriations as prescribed.

**LEGISLATIVE BILL 328.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-713, 28-720, 28-728, 28-729, 43-1301, 43-2201, 43-2203, 43-2204, 43-2205, 43-2209, 68-1207, and 68-1212, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Family First Act; to define and redefine terms; to create, change, and eliminate provisions relating non-court-involved responses to reports of child abuse or neglect, the central registry of child protection cases, and foster care placement; to create the kinship navigator program and the family finding services project; to repeal the original sections; and to outright repeal sections 43-2206, 43-2208, and

81-3136, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 329.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to child care assistance provided as part of the provision of social services; to change provisions relating to licensure under the Child Care Licensing Act; and to repeal the original sections.

**LEGISLATIVE BILL 330.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and sections 43-4203, 43-4207, 43-4218, 43-4513, and 43-4701, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate administration, membership, and duties of the commission; to change and eliminate reporting requirements; to harmonize provisions; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 331.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-901, Reissue Revised Statutes of Nebraska, and sections 83-1,107, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2018; to require reports from the Board of Parole and the Office of Probation Administration; to change provisions relating to release or reentry plans and obtaining state identification cards or renewing motor vehicle operator's licenses for inmates; to transfer responsibility for the reentry program and the Vocational and Life Skills Program from the Department of Correctional Services to the Board of Parole; to state intent regarding appropriations; to require the Department of Correctional Services and the Board of Parole to develop a plan to transition responsibility for community corrections from the department to the board; to require the Board of Parole to develop a plan to transition responsibility for post-release supervision from the Office of Probation Administration to the board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 332.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-1311.03, 43-4504, 43-4505, 43-4508, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and sections 43-285 and 43-4513, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to independence hearings; to change eligibility requirements for participation

in the bridge to independence program and to receive foster care maintenance payments under the Young Adult Bridge to Independence Act; to change provisions relating to permanency review hearings; to provide duties for the Department of Health and Human Services; to change provisions relating to the Bridge to Independence Advisory Committee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 333.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement, 2018; to update federal references; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 334.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to economic development; to amend section 77-6306, Reissue Revised Statutes of Nebraska, and sections 13-1907, 13-2103, 13-2112, 81-12,152, 81-12,163, and 81-12,166, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations of the Department of Economic Development; to stop granting tax credits under the Angel Investment Tax Credit Act; to eliminate a termination date, state appropriation intent language, require evaluations of programs, and provide a duty for the Appropriations Committee of the Legislature under the Business Innovation Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-12,167, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 335.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to bail; to amend sections 29-901, 60-480, 60-498.01, 60-4,115, 60-6,197.05, 60-6,197.06, and 60-6,211.11, Revised Statutes Cumulative Supplement, 2018; to adopt the 24/7 Sobriety Program Act; to authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bond as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 336.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to budget limitations; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and section 13-519, Revised Statutes Cumulative Supplement, 2018; to change the vote required to exceed certain budget limitations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 337.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to require submission of a compilation of the federal receipts of state agencies as prescribed.

**LEGISLATIVE BILL 338.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the motor vehicle fuel tax; to amend sections 66-489.02 and 66-4,101, Reissue Revised Statutes of Nebraska; to change the calculation of the tax on the average wholesale price of gasoline as prescribed; to provide restrictions on use of tax proceeds as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 339.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to judges; to amend section 24-803, Reissue Revised Statutes of Nebraska; to change provisions relating to judicial nominating commissions; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 340.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to incarceration work camps; to amend section 83-4,144, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to exclude female offenders from placement in incarceration work camps; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 341.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to social services; to amend sections 68-1206 and 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to transitional child care assistance; and to repeal the original sections.

**LEGISLATIVE BILL 342.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2103 and 32-607, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to election of the board of directors; and to repeal the original sections.

**LEGISLATIVE BILL 343.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to firearms; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and section 28-1204.04, Revised Statutes Cumulative Supplement, 2018; to adopt the School Safety Rapid Response Option Act; to authorize schools to allow school employees to carry concealed handguns at school as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 344.** Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018; to adopt the Animal Health and Disease Control Act; to eliminate and provide general powers and duties of and for the Department of Agriculture; to eliminate the Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act, the Anthrax Control Act, the Animal Importation Act, the Nebraska Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the Pseudorabies Control and Eradication Act, the Scrapie Control and Eradication Act, and the Bureau of Animal Industry; to terminate the Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund, the Brucellosis Control Cash Fund, the Pseudorabies Control Cash Fund, and the Scrapie Control Cash Fund and make fund transfers to and create the Animal Health and Disease Control Cash Fund; to provide for criminal and administrative penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-744.01, 54-745, 54-746, 54-747, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754,

54-2755, 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of Nebraska, and sections 54-701.03, 54-703, 54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 345.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

**LEGISLATIVE BILL 346.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursements; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 347.** Introduced by Murman, 38; Briese, 41; Erdman, 47; Friesen, 34; Geist, 25; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Slama, 1.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to exempt the practice of reflexology from licensure under the Massage Therapy Practice Act; and to repeal the original section.

**LEGISLATIVE BILL 348.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6406, Reissue Revised Statutes of Nebraska; to adopt changes to the state building code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 349.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Reissue Revised Statutes of Nebraska; to provide sales and use tax collection duties for certain peer-to-peer rentals of vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 350.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028.01, Revised Statutes Cumulative Supplement, 2018; to provide a budget exception for expanded learning opportunity programs; and to repeal the original section.

**LEGISLATIVE BILL 351.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to school finance; to amend section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to school district levy and bonding authority for certain projects; to authorize school district levy and bonding authority for violence prevention and cybersecurity as prescribed; to define and redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to state intent; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to provide for a hearing to determine reliability; to provide for a jury instruction; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 353.** Introduced by Pansing Brooks, 28; Morfeld, 46.

A BILL FOR AN ACT relating to law enforcement; to amend sections 25-21,303, 28-109, 28-359, 28-710, 28-1008, 29-4103, 49-801, 53-1,121, 60-646, 60-683, 69-2429, 71-507, 71-910, and 86-802, Reissue Revised Statutes of Nebraska, and sections 20-502, 20-504, 28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes Cumulative Supplement, 2018; to provide powers and duties for University of Nebraska police departments and police officers as prescribed; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 354.** Introduced by Pansing Brooks, 28; Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-260.04, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska, and section 43-2,108, Revised Statutes Cumulative Supplement, 2018; to protect confidential information in juvenile court case files; to change provisions relating to the sealing of juvenile records; to provide for retroactivity; to increase a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 355.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to finance; to amend sections 45-340 and 45-705, Reissue Revised Statutes of Nebraska, and sections 8-2737, 45-335, 45-346, 45-346.01, 45-348, 45-727, 45-734, and 45-737, Revised Statutes

Cumulative Supplement, 2018; to change provisions relating to licensee and authorized delegate examinations under the Nebraska Money Transmitters Act; to define a term, update a reference to salespersons, and change certain license and fee provisions under the Nebraska Installment Sales Act; to change mortgage banker license application provisions, provide for temporary powers as a mortgage loan originator licensee as prescribed, change inactive mortgage loan originator licensee provisions, and change certain mortgage banker licensee recordkeeping duties under the Residential Mortgage Licensing Act; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 356.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,104.01, Revised Statutes Cumulative Supplement, 2018; to change the fee distribution for certain specialty license plates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 357.** Introduced by Walz, 15; Cavanaugh, 6; McDonnell, 5; Quick, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Direct Support Professional Tax Credit Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 358.** Introduced by Walz, 15; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to change provisions related to early childhood education aid; to provide a new allowance; to provide aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 359.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to labor; to amend sections 48-618, 48-619, 48-621, 48-622.03, 48-649.03, 48-652, 48-1234, and 48-2213, Revised Statutes Cumulative Supplement, 2018; to change provisions under the Employment Security Law relating to administration of funds, unclaimed benefits, reports, and the employer's combined tax rate; to change provisions relating to service of citations for violations of the Nebraska Wage Payment and Collection Act and the appointment of the meatpacking industry worker rights coordinator; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 360.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Revised Statutes Cumulative Supplement, 2018; to provide for settlement of claims of alien dependents; to provide for applicability of changes; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to employment; to amend sections 48-1205, 48-1206, 48-1207, 48-1208, and 48-1209, Reissue Revised Statutes of Nebraska, and section 48-1228, Revised Statutes Cumulative Supplement, 2018; to prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act as prescribed; to provide for a private right of action; to provide powers for the Commissioner of Labor; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 362.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1234, Revised Statutes Cumulative Supplement, 2018; to require payment of unpaid wages as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 363.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to benefits for individuals providing public safety services; to amend sections 81-8,297, 81-8,299, 81-8,300.01, and 81-8,301, Reissue Revised Statutes of Nebraska; to adopt the In the Line of Duty Compensation Act; to change the State Miscellaneous Claims Act as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 364.** Introduced by Quick, 35; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-120, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to a limit on certain fees; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to public health and welfare; to amend section 20-409, Reissue Revised Statutes of Nebraska; to adopt the Health Care Directives Registry Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 366.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,191, Revised Statutes Cumulative Supplement, 2018; to

change the registration fee for alternative fuel-powered motor vehicles; and to repeal the original section.

**LEGISLATIVE BILL 367.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska, and section 81-1558, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to transfers; to extend a termination date; and to repeal the original sections.

**LEGISLATIVE BILL 368.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to water; to amend sections 2-32,115, 46-229.04, 46-703, 46-706, 46-713, 46-714, 46-716, 46-718, 46-720, 46-740, 61-218, and 77-3442, Reissue Revised Statutes of Nebraska, and sections 2-969, 2-3225, 46-290, 46-294, 46-715, 46-753, 46-755, and 81-15,175, Revised Statutes Cumulative Supplement, 2018; to eliminate overappropriated river basins, subbasins, and reaches as prescribed; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 369.** Introduced by Vargas, 7; Hunt, 8; Williams, 36.

A BILL FOR AN ACT relating to immigration; to require law enforcement agencies, jails, and the Nebraska State Patrol to provide notice prior to entering into agreements to enforce federal immigration law; to require law enforcement agencies and jails to provide information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide the Auditor of Public Accounts with authority to conduct audits of noncomplying law enforcement agencies, jails, political subdivisions, and the patrol.

**LEGISLATIVE BILL 370.** Introduced by McCollister, 20; Kolterman, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-501, Revised Statutes Cumulative Supplement, 2018; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 371.** Introduced by Erdman, 47; Groene, 42.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,360, Reissue Revised Statutes of Nebraska, and sections 60-305, 60-358.01, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to all-terrain

vehicles and utility-type vehicles; to repeal the original sections; and to outright repeal sections 60-6,357 and 60-6,358, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 372.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Reissue Revised Statutes of Nebraska; to change provisions relating to classes and subclasses of agricultural land and horticultural land; and to repeal the original section.

**LEGISLATIVE BILL 373.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to zoning restrictions; to amend sections 23-114.01, 66-914, and 72-272, Reissue Revised Statutes of Nebraska; to define a term; to require zoning provisions prior to construction of wind energy projects as prescribed; to provide for fees as prescribed; to eliminate provisions relating to variances or exceptions from zoning regulations; to provide limitations on agreements relating to school lands; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 374.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for raptor permits for wildlife abatement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 375.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to documents which may be withheld from the public; and to repeal the original section.

**LEGISLATIVE BILL 376.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-106, 29-1001, and 83-176, Reissue Revised Statutes of Nebraska, and sections 28-105 and 83-171, Revised Statutes Cumulative Supplement, 2018; to provide for the safekeeping of prisoners as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 377.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to contracts; to provide for the voidability of certain releases from liability; and to provide a duty for the Revisor of Statutes.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 9.** Introduced by Wayne, 13.

WHEREAS, the framers of the Constitution of the United States of America intended that Congress be "dependent on the people alone" (The Federalist No. 52, Alexander Hamilton or James Madison); and

WHEREAS, what was a dependency on the people alone has transformed into a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportionate influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, overreaching decisions such as *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) and its progeny have frustrated or prevented reasonable campaign laws. This includes decisions such as *American Tradition Partnership, Inc. v. Bullock*, 567 U.S. 516 (2012), which summarily overturned the Montana Supreme Court without oral argument, throwing out a century of effective campaign laws in that state, and *McCutcheon v. Federal Election Commission*, 572 U.S. 185 (2014), which removed the individual spending limit, allowing for the unprecedented funneling of campaign contributions from all over the nation; and

WHEREAS, the Constitution of Nebraska states that "governments are instituted among people, deriving their just powers from the consent of the governed." (Article I, section 1); and

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, in order to restore balance and integrity to our nation's elections, the Nebraska Unicameral Legislature perceives the need for an Article V convention limited to proposing an amendment to the Constitution of the United States that would permanently protect free and fair elections in America; and

WHEREAS, the State of Nebraska desires that delegates to the convention be comprised equally of individuals currently elected to state and local office or that such delegates be selected by election in each congressional district for the purpose of serving as delegates, and further desires that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention; and

WHEREAS, the State of Nebraska intends this resolution to be a continuing application for an Article V convention to be considered together with the applications calling for a convention passed in the 2013-2014 Vermont General Assembly as J.R.S. 27 (Act R-454), the 2013-2014 California State Legislature as AJR 1 (res. ch. 77), the 2013-2014 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as

SCR 132, and the 2016 Rhode Island General Assembly as HR 7670 and SR 2589, and with all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by Congress.

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

1. That the people of the State of Nebraska, speaking through their Nebraska Unicameral Legislature, and pursuant to Article V of the Constitution of the United States, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that would restore free and fair elections as described in this resolution, as soon as two-thirds of the several states have applied for a convention for a similar purpose.

2. That the Nebraska delegates to such convention shall have no discretion beyond that granted by the Nebraska Unicameral Legislature and that the Legislature retains its authority to restrict or expand the power of Nebraska's delegates within the limits expressed in this resolution.

3. That the Nebraska Unicameral Legislature shall not ratify and the Nebraska delegates to a convention authorized by this resolution shall not vote to propose any amendment unless it allows each state to determine the campaign finance laws that will apply to its local and federal officials.

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the minority leader of the United States House of Representatives, the president pro tempore of the United States Senate, the members of the Senate and House of Representatives from this state, the Archivist of the United States, and the respective clerks of the United States House of Representatives and the United States Senate, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record and recorded in the published tally of state applications for an Article V convention.

5. That the Clerk of the Legislature transmit copies of this resolution to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call an Article V convention to propose an amendment to the Constitution of the United States to restore free and fair elections as described in this resolution.

#### **ANNOUNCEMENT(S)**

The Natural Resources Committee elected Senator Bostelman as Vice Chairperson.

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

Room 1507

Wednesday, January 23, 2019 1:30 p.m.

Christopher Cantrell - Nebraska State Fire Marshal  
Jason Jackson - Department of Administrative Services

(Signed) Tom Brewer, Chairperson

Revenue

Room 1524

Thursday, January 24, 2019 1:30 p.m.

LB63  
LB103  
LB158  
LB183

Friday, January 25, 2019 1:30 p.m.

LB86  
LB13  
LB170

(Signed) Lou Ann Linehan, Chairperson

Judiciary

Warner Chamber

Wednesday, January 23, 2019 1:30 p.m.

LB7  
LB71  
LB141  
LB143  
LR1CA

(Signed) Steve Lathrop, Chairperson

Natural Resources

Room 1525

Wednesday, January 23, 2019 2:00 p.m.

LB126

LB127

(Signed) Dan Hughes, Chairperson

**ANNOUNCEMENT(S)**

The Business and Labor Committee elected Senator B. Hansen as Vice Chairperson.

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

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

Senator Arch name added to LB12.  
Senator Blood name added to LB59.  
Senator Blood name added to LB60.  
Senator Pansing Brooks name added to LB153.  
Senator Arch name added to LB153.  
Senator Blood name added to LB163.  
Senator Blood name added to LB170.  
Senator Hunt name added to LB205.  
Senator Blood name added to LB235.  
Senator Hunt name added to LB282.  
Senator Blood name added to LB304.

**ADJOURNMENT**

At 11:12 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Thursday, January 17, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTH DAY - JANUARY 17, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 17, 2019

**PRAYER**

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

**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 Wayne who was excused; and Senators Linehan, McCollister, Morfeld, Stinner, Vargas, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB134	Revenue (rereferred)
LB257	Banking, Commerce and Insurance
LB258	Banking, Commerce and Insurance
LB259	Banking, Commerce and Insurance
LB260	Health and Human Services
LB261	Executive Board
LB262	Judiciary
LB263	Revenue
LB264	Judiciary
LB265	Banking, Commerce and Insurance
LB266	Revenue
LB267	Government, Military and Veterans Affairs
LB268	Transportation and Telecommunications
LB269	Transportation and Telecommunications

LB270 Transportation and Telecommunications  
LB271 Judiciary  
LB272 Revenue  
LB273 Government, Military and Veterans Affairs  
LB274 Banking, Commerce and Insurance  
LB275 Judiciary  
LB276 Revenue  
LB277 Judiciary  
LB278 Transportation and Telecommunications  
LB279 Revenue  
LB280 Government, Military and Veterans Affairs  
LB281 Education  
LB282 Judiciary  
LB284 Revenue  
LB285 Natural Resources  
LB286 Judiciary  
LB287 Natural Resources  
LB288 Revenue  
LB289 Revenue  
LB290 Revenue  
LB291 Revenue  
LB292 Appropriations  
LB293 Appropriations  
LB294 Appropriations  
LB295 Appropriations  
LB296 Appropriations  
LB297 Appropriations  
LB298 Appropriations  
LB299 Appropriations  
LB300 Judiciary  
LB301 Business and Labor  
LB302 Natural Resources  
LB303 Revenue  
LB304 Agriculture  
LB305 Business and Labor  
LB306 Business and Labor  
LB308 Judiciary  
LB309 Judiciary  
LB310 Revenue  
LB311 Business and Labor  
LB312 Health and Human Services  
LR8CA Revenue

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Thursday, January 24, 2019 1:30 p.m.

LB200  
LB60  
LB119

Friday, January 25, 2019 1:00 p.m.

Medicaid Financing Briefing

Friday, January 25, 2019 1:30 p.m.

LB140

(Signed) Sara Howard, Chairperson

Nebraska Retirement Systems

Room 1507

Tuesday, January 29, 2019 12:00 p.m.

LB32  
Allen Simpson - Public Employees Retirement Board  
Gail Werner-Robertson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

**ANNOUNCEMENT(S)**

The Appropriations Committee elected Senator Bolz as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 378.** Introduced by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to autocycles, motorcycles, and mopeds; to amend section 60-6,279, Revised Statutes Cumulative Supplement, 2018; to change helmet provisions; to require eye protection; and to repeal the original section.

**LEGISLATIVE BILL 379.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to finance; to amend section 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, and 45-1001, Revised Statutes Cumulative Supplement, 2018; to change licensing and operating provisions, provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance, and define a term under the Delayed Deposit Services Licensing Act; to clarify a licensing provision under the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 380.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2403, 44-2406, 44-2407, 44-2409, and 44-2411, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change association duties and authorizations as prescribed; to change provisions relating to the exhaustion of remedies by claimants; to provide for a stay in proceedings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 381.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3405, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901, 2-5003, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2304, 43-1302, 43-1903, 43-3342.05, 43-3401, 43-4001, 43-4202, 45-603, 46-538, 48-1116, 48-2503, 49-233, 50-415, 51-402, 53-112, 53-113, 53-302, 58-228, 66-1335, 68-953, 68-1105, 70-719, 70-1003, 71-219.03, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-3406, 71-4504, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-201, 72-224.03, 72-1239, 72-2007, 72-2103, 75-104, 76-2222, 77-27,157, 77-5004, 77-5206, 79-317, 79-546, 79-808, 79-861, 79-863, 79-1104.04, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-885.07, 81-8,189, 81-8,267, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1409, 81-1421, 81-1449, 81-1503, 81-1505.03, 81-15,171, 81-15,211, 81-15,245, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 84-931, 84-1204, 84-1502, 85-104, 85-301, 85-1408, 85-1509, 86-461, 86-515, 86-570, and 86-571, Reissue Revised Statutes of Nebraska, and sections 2-3951.01, 3-104, 9-1004, 29-2252, 39-2106, 43-2411, 49-14,120, 50-505, 53-502, 54-191, 55-604, 57-904, 58-819, 79-760.03, 79-760.07, 79-1217, 79-2204, 81-1348, 81-1430, 81-15,175, 81-1603, 83-1212.01, 84-1501, 86-1025.01, and 86-1102, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-1181, Reissue

Revised Statutes of Nebraska.

**LEGISLATIVE BILL 382.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act; to amend section 54-644, Reissue Revised Statutes of Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative Supplement, 2018; to define a term; to change a provision relating to a written disclosure statement; to provide a records requirement; to prohibit sales of inbred dogs as prescribed; to provide for preemption of local law; to harmonize provisions; and to repeal the original sections.

**SENATOR WILLIAMS PRESIDING**

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Cavanaugh.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 383.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2018; to provide for an annual adjustment to the minimum wage; to provide duties for the State Treasurer and Department of Labor; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 384.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to education requirements; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 385.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the election of the board of trustees; and to repeal the original section.

**LEGISLATIVE BILL 386.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend

section 13-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cash reserves; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 387.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue Revised Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised Statutes Cumulative Supplement, 2018; to name the Jury Selection Act; to define terms; to change terminology relating to juries; to transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to change penalty provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 388.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to children and families; to amend sections 43-292.03, 43-533, 43-1311.01, 43-1312, 43-1312.01, and 43-1313, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-292.02, and 43-1318, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to placement plans; to provide a duty for the Department of Health and Human Services; to require review of certain determinations relating to parental rights termination proceedings as prescribed; to change provisions relating to family policy; to clarify legislative intent; to change and provide procedures and requirements relating to placement of children in guardianships and termination of guardianships; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-292 and 43-292.01, Reissue Revised Statutes of Nebraska, and sections 43-283.01 and 43-292.02, Revised Statutes Cumulative Supplement, 2018; to change and provide grounds for termination of parental rights; to change provisions relating to when reasonable efforts at reunification are required; to change provisions relating to petitions for

termination of parental rights; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 390.** Introduced by Pansing Brooks, 28; Hansen, M., 26; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

**LEGISLATIVE BILL 391.** Introduced by Hansen, M., 26; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-2,129, Revised Statutes Cumulative Supplement, 2018; to require notification of a juvenile's parent, guardian, custodian, or relative when a juvenile is taken into custody as prescribed; to require an advisement of a juvenile's rights to be given when a juvenile is taken into custody; to require that a juvenile's parent, guardian, custodian, or relative be present when requested; to prohibit the use of certain statements in court proceedings as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-801, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay; and to repeal the original section.

**LEGISLATIVE BILL 393.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska; to increase the documentary stamp tax; to distribute certain revenue to the Property Tax Credit Cash Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Transportation; and to declare an emergency.

**LEGISLATIVE BILL 395.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and

Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to power of possession by a landlord as a result of criminal activity on the premises by a tenant; to provide an exception in cases of domestic assault as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to eliminate continuance provisions that allow for continuances only for extraordinary causes and require deposits of rental payments; and to outright repeal section 76-1443, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 397.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.02, and 28-1429.03, 69-2705, 69-2706, 69-2707, 69-2707.01, 69-2709, 69-2710, 69-2710.01, 69-2710.03, 77-2601, and 77-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco, electronic nicotine delivery systems, or alternative nicotine products; to define and redefine terms; to change escrow fund provisions for tobacco product manufacturers; to change provisions relating to nonparticipating manufacturers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 398.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2118, Reissue Revised Statutes of Nebraska, and sections 79-2104 and 79-2104.02, Revised Statutes Cumulative Supplement, 2018; to remove a limitation on the use of a levy; to change a reporting deadline; to change provisions relating to diversity plans; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 10.** Introduced by Scheer, 19; Briese, 41; Erdman, 47; Gragert, 40; Hughes, 44; Kolterman, 24; Murman, 38; Stinner, 48; Vargas, 7; Wayne, 13.

WHEREAS, seventeen hundred locally elected Nebraska citizens currently volunteer their time to serve on local public school boards throughout the state, representing two hundred and forty-four school districts, seventeen educational service units, and three hundred and twenty-three thousand students; and

WHEREAS, members of various ages, races, and backgrounds represent one Nebraska, which encourages and strengthens school districts,

communities, and the state by supporting great teaching and student achievement; and

WHEREAS, through leadership, innovation, and engagement, school board members are challenged to bring their communities to consensus on a vision for schools and use that vision to meet the current and future needs of our children; and

WHEREAS, the local public school board is a uniquely American institution that has made public schools flexible, responsible, and accountable to the needs of our communities, our state, and our nation while furthering the American ideal of representative government; and

WHEREAS, school board members serve first and foremost as trustees for our children; and

WHEREAS, all Nebraskans should recognize and acknowledge the significant contributions made by our locally elected school board members, who work to ensure the delivery of quality education for our children.

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

1. That the Legislature appreciates the hard work of school board members across the state.
2. That the Legislature encourages Nebraskans to acknowledge and thank school board members for their work and dedication.

Laid over.

**LEGISLATIVE RESOLUTION 11CA.** Introduced by Hansen, M., 26; Hunt, 8; La Grone, 49; Slama, 1.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he or she is elected, or on the date of his or her appointment, ~~the person~~ he is a registered voter, has attained the age of ~~nineteen~~ twenty-one years, and has resided within the district from which ~~he is~~ he is elected for the term of one year next before his or her election, unless ~~the person has~~ he shall have been absent on the public business of the United States or of this State. ~~No~~ And no person elected as a ~~member of the Legislature~~ member of the Legislature ~~as aforesaid~~ shall hold ~~such~~ his office after he or she shall have removed from such district.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the age of eligibility for the office of member of the Legislature to nineteen years of age.

For

Against.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Thursday, January 24, 2019 1:30 p.m.

LB287

(Signed) Dan Hughes, Chairperson

Judiciary

Warner Chamber

Thursday, January 24, 2019 1:30 p.m.

LB28

LB55

LB146

LB154

LB264

Friday, January 25, 2019 1:30 p.m.

LB47

LB110

LB125

LB213

(Signed) Steve Lathrop, Chairperson

Revenue

Room 1524

Friday, January 25, 2019 1:30 p.m.

LB4

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 24, 2019 1:30 p.m.

LB20

LB204  
LB52

Friday, January 25, 2019 1:30 p.m.

LB30  
LB64  
LB186

(Signed) Tom Brewer, Chairperson

#### ANNOUNCEMENT(S)

The Revenue Committee elected Senator Friesen as Vice Chairperson.

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

Senator M. Hansen filed the following motion to LB72:  
MO1  
Withdraw bill.

#### SPEAKER SCHEER PRESIDING

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 399.** Introduced by Slama, 1; Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hilgers, 21; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska; to change the name and provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 400.** Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Kolowski, 31; Lathrop, 12; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions

relating to the posting of information; and to repeal the original sections.

**LEGISLATIVE BILL 401.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Hansen, M., 26; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 402.** Introduced by Hilkemann, 4; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 403.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide a duty for the Department of Health and Human Services.

**LEGISLATIVE BILL 404.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to medicaid budgeting.

**LEGISLATIVE BILL 405.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to building and energy codes; to adopt updates to building and energy codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

#### **MOTION - Escort Chief Justice**

Senator Bolz moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Lathrop, Pansing Brooks, Groene, Slama, and McCollister to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. Thanks to you, the members of this legislative body, and especially Speaker Scheer, for inviting me to address you again this morning. As always, it is an honor for me to report on Judicial Branch accomplishments and to discuss the future of the courts and probation.

First, I will introduce my fellow Justices. To my immediate right is Justice Lindsey Miller-Lerman of Omaha; to Justice Miller-Lerman's right is Justice Stephanie Stacy of Lincoln; and to Justice Stacy's right is Justice Jonathan Papik of Omaha.

To my immediate left is Justice William Cassel of O'Neill; to his left is Justice Jeff Funke of Nebraska City; and to Justice Funke's left is Justice John Freudenberg of Rushville.

I would like to take this opportunity to welcome the newest members of our court: Jonathan Papik joined the Court this past March; John Freudenberg joined us in July.

### ***Introduction***

I will speak with you today about justice reinvestment, the pivotal role the courts play in that process, and the dynamic initiatives this Court has implemented to increase access to our courts and to justice.

I will begin with justice reinvestment. In 2015, this Legislature passed LB 605, launching Nebraska's justice reinvestment efforts. All three branches of government have been involved with this effort, which seeks generally to channel most low-grade felons to community corrections rather than incarceration in our medium or maximum detention facilities.

In Nebraska, community corrections means 'Probation.' And in Nebraska, Probation -- both adult and juvenile -- has always been part of the judiciary.

In Nebraska, therefore, Probation and the judiciary have an essential role in justice reinvestment. We are the front door to Nebraska's correctional institutions; and in our role with reentry supervision, we are also the back door of those correctional institutions.

### ***Problem-Solving Courts***

First, the front door.

I have spoken to you in the past about our judge-initiated problem-solving courts. Problem-solving courts are intensive, judge-supervised treatment courts for criminal defendants who would otherwise be incarcerated.

Most of Nebraska's problem-solving courts are drug courts. Drug courts include substance abuse treatment, drug testing, job training, support group meetings, and other appropriate rehabilitative efforts, coupled with frequent judicial oversight hearings.

In 2018, our problem-solving courts served 1,397 individuals. That represents a 247% increase in the number of participants served since 2008, a 200% growth in the total number of such courts, and a 156% growth in the

number of judges participating in problem-solving courts. These courts now exist in all of Nebraska's 12 judicial districts.

Many, if not most, of the 1,397 individuals served in our problem-solving courts in 2018 would otherwise be in Nebraska's prison system. It costs approximately \$38,627 taxpayer dollars per year to warehouse a prisoner in our State's prison system. It costs \$2,865 taxpayer dollars per year to fund a defendant's participation in our problem-solving courts. Hence, problem-solving courts are a key part of justice reinvestment in Nebraska.

Thanks to all of our trial court judges who volunteer with no extra pay or, in some cases, no relief from their existing assigned caseload for such service.

Both our trial court judges and members of the Supreme Court work diligently to ensure that our problem-solving courts are of the highest quality, use appropriate and uniform standards, and are accountable for their performance. This Court's Problem-Solving Courts Committee plays a key role in ensuring the success of problem-solving courts, and has developed best practice standards for all existing courts.

Much thanks goes to District Court Judge Jim Doyle of Lexington for his leadership with the Supreme Court's Problem-Solving Courts Committee.

The Committee has developed best-practice standards for all our problem-solving courts and also works to confirm that our problem-solving court judges have proper training and access to the latest research available to ensure successful outcomes for problem-solving court participants. A new, upgraded training program will be implemented in 2019.

Last year in this address I spoke to you about our State's two newly-implemented Veterans Treatment Courts. I can report to you today that both of those courts are functioning efficiently and professionally in conjunction with veteran mentors, the assistance of the Veteran's Administration, and dozens of other supporters. Their goal is to give Nebraska's military veterans, who may have committed a nonviolent felony, a chance to participate in a problem-solving court and therefore a chance at rehabilitation rather than incarceration. The first Veterans Treatment Court graduation was held June 27, 2018; the next graduation will be held in Douglas County later this month.

Thanks especially to District Court Judge John Colborn, and the late District Court Judge Mark Ashford, for their pioneering work in this area.

In a moment I will speak to you about our efforts with re-entry courts. But first, a reality check in regard to problem-solving courts as part of justice reinvestment in Nebraska.

During this past budget year, we completely exhausted our allocated resources for problem-solving courts and had to move some Probation dollars to fund those initiatives. Testimony to this body's Judiciary Committee has indicated that Nebraska's jails are heavily impacted by incarcerated individuals who have mental illnesses that greatly influenced their criminal behavior.

Our local partners in county government are interested in establishing mental health courts to help alleviate that problem. We have stopped all efforts to expand problem-solving courts into the area of mental health courts, however, because we have no extra resources. Nor do we have the

necessary number of judges available in Douglas County and our other urban counties for further problem-solving court expansion. That said, I wish to thank this body, particularly Senators McCollister, Geist, and Williams, for their past support of problem-solving courts.

#### ***Adult Probation***

The second check on entry to Nebraska's prison system is, of course, adult probation. There are 15,649 adults on probation in Nebraska as I speak.

It is Probation that diverts most offenders otherwise bound for incarceration; it is Probation that most releases pressure on the correctional system; it is Probation that is the lynchpin to justice reinvestment in Nebraska; and it is Probation that fostered the necessary culture to implement LB 605.

Further, it is Probation that has consistently achieved all of the expansion needed to meet Nebraska's justice reinvestment goals; it is Probation that has devised innovative programs for offender rehabilitation; it is Probation that consistently measures offender recidivism rates so that quality programs can be replicated and less productive programs can be reformed; and it is Probation that has successfully reduced offender recidivism.

Adult probation has experienced significant changes since the passage of LB 605 in 2015. At the end of fiscal year 2018, the number of individuals placed on felony probation, including post-release supervision, was up by 39%. This is 12% above the Council of State Government's 2015 prediction of where Probation would be 3 years into justice reinvestment.

#### ***Post-Release Supervision***

Earlier in this speech, I suggested that Probation was not only the front door to Nebraska's prison system, but also the back door.

We are the back door because adult probation implements post-release supervision, sometimes called re-entry supervision. Low-grade felons released from our prisons and jails are supervised by adult probation.

The average number of individuals released from prison and local jails under Probation supervision in fiscal year 2016 was 23 per month. That number reached 87 per month in fiscal year 2017, and grew to 139 per month during the 2018 fiscal year. In the 2019 fiscal year, the number of individuals released to Probation's supervision is projected to be 153 per month.

To handle that large increase in participants, Probation set up re-entry teams to work with incarcerated felons before release. Our adult probation system has expanded and sharpened the programs available for re-entering felons, including transitional housing and drug treatment programs.

We have utilized our day and evening reporting centers across the State in that process, and measure the recidivism rates of reentering felons using the University of Nebraska-Lincoln's Law and Psychology program.

In 2018, we established two re-entry courts in Nebraska. Those courts apply the same intensive supervision programs used in other problem-solving courts. The goal of re-entry courts is to assure that felons leaving the

prison system have a successful transition to become productive members of their local communities.

Thanks to District Court Judge Stefanie Martinez of Sarpy County and Retired District Court Judge Teresa Luther of Hall County for being re-entry court leaders.

### *Juvenile Justice*

I will now address juvenile justice.

A comprehensive justice reinvestment project must include a juvenile justice component, the philosophy, culture, and goals of which are compatible with -- and supportive of -- adult justice reinvestment. In Nebraska, every young person who has successfully completed juvenile justice supervision is potentially one less person incarcerated in our adult prison system.

Like adult supervision, Nebraska's juvenile justice supervision is tasked to the Administrative Office of Probation. Juvenile justice in Nebraska shares the same philosophy, culture, and rehabilitative goals of adult justice reinvestment.

Juvenile justice is also sharing in the positive trends and successes of adult justice reinvestment. And I remind you that we can track every dollar we spend on every young person in the juvenile justice system, resulting in significant budget savings in this most recent biennium.

This past year we launched a special effort to address the lack of juvenile justice options available in greater Nebraska. Three priorities were established: 1) more local foster care; 2) more in-home services; and 3) more alternatives to detention, including timely access to therapists and evaluations. We have expedited family or kinship placement assessments and payment to those family providers, we have established and recruited emergency foster care homes, and we have continued expansion efforts related to in-home services.

Probation is working with the Department of Health and Human Services, private providers, the Department of Education, and other interested community members to increase those service options. I would especially like to thank County Court Judge Randin Roland of Sidney for taking a leadership role in this effort.

We have also established a statewide juvenile detention alternatives working group. This working group is completing a detailed analysis of alternatives to detention for mentally ill juveniles. A special thanks goes to Senator Tony Vargas and State Court Administrator Corey Steel for co-chairing this important state-wide work.

This summer, other members of the Supreme Court and I hosted a Tristate Juvenile Justice Conference in South Sioux City. Since a number of juvenile justice cases in the South Sioux City area overlap state boundaries, we met with members of the Iowa and South Dakota Supreme Courts to discuss improving resources and the process utilized for youth involved in our juvenile justice systems.

As a result of this tri-state meeting, representatives from each state proposed an easier process for tracking and providing supervision for probationers that live across state lines. Important changes were made in the

way all three states share information and transfer custody in such cases. Both processes have been expedited.

Juvenile Probation continually seeks to improve supervision and services for youth and families by embracing the strategies of national research, evidence-based practices, and adolescent development. This past year, the Robert F. Kennedy National Resource Center for Juvenile Justice completed a comprehensive review of the juvenile probation system's operations. The final report articulated the strong foundation Probation is working from and offered a set of recommendations centered on collaborative leadership opportunities to further strengthen that work.

I now call your attention to two other promising initiatives in the juvenile justice area.

First, this year the Administrative Office of Probation and the Department of Health and Human Services rolled out a cooperative policy related to serving youth who are involved in both child welfare and juvenile justice. Nearly 900 Health and Human Services and Probation employees were trained on how to better serve those young people.

### ***Restorative Justice***

Second, I also call your attention to our restorative justice efforts for juvenile offenders. These efforts are being offered in conjunction with the Judicial Branch's Office of Dispute Resolution and Nebraska's 6 regional mediation centers. This model is called Victim Youth Conferencing.

Victim Youth Conferencing involves the convening of a meeting, conducted by a trained professional, between low-risk delinquents and the victim(s) of their wrong-doing. During this process, emphasis is placed on reparations for the victim(s), and appropriate rehabilitation for juvenile offenders.

Use of the Victim Youth Conferencing program considerably reduces the odds of recidivism of juveniles and the odds of future involvement in the adult criminal system. We received a grant of over \$1 million for a 3-year period to expand juvenile restorative justice services to interested counties statewide. Some of the early participating counties include Buffalo, Dodge, Douglas, Lancaster, Pawnee, Red Willow, Sarpy, and Scotts Bluff.

The Victim Youth Conferencing program has been evaluated by outside academics. These academics noted the successful rate of reparations to victims and the positive responses of both victims and juvenile participants.

### ***New State Probation Administrator***

Before I address other topics, this is an appropriate time in my presentation to introduce Deb Minardi. I am pleased to welcome Deb as Nebraska's newest Probation Administrator.

Deb Minardi has worked for Nebraska's Probation system for 39 years. She is a leader in the movement to transform Nebraska Probation into the era of pro-active programming and evidence-based practices. Deb now has supervisory responsibility for both adult and juvenile probation services.

***Community Engagement Grant For  
Native American Population***

I now turn to various access to justice, civic education, and outreach programs this Court actively promotes. I will begin with our new outreach efforts with Nebraska's four recognized Native American Tribes.

This past summer, the Judicial Branch hosted a roundtable discussion in South Sioux City. Participants included representatives from the four Nebraska-based Tribes, our federal courts, the U.S. Attorney's Office, both Federal and State Departments of Health and Human Services, the Nebraska Department of Education, the Nebraska Commission on Indian Affairs, and other interested parties, including Senators Joni Albrecht and Tom Brewer. The purpose of this roundtable was to discuss disparities for Native American populations in our courts and to improve the relationships of tribal, state, and federal courts.

In an effort to build on the discussions from this meeting, we were selected by the National Center for State Courts as one of 6 sites nationally to participate in a project involving Community Engagement in the State Courts. To effectuate this participation, the Consortium of Tribal, State, and Federal Courts was created and is co-chaired by District Court Judge Andrea Miller of Scotts Bluff County and Chief Judge Patrick Runge of the Winnebago Tribal Court and Ponca Tribal Court. The Consortium is housed within the Nebraska Supreme Court's Access to Justice Commission.

During this project, the Consortium will work with the National Center for State Courts using public engagement models to:

1. Improve Native Americans' public trust and confidence in the State and Federal courts;
2. Identify ways to address disparate treatment of Native Americans in the State court system;
3. Improve judicial awareness and training as to the special problems faced by Native American populations in Nebraska; and
4. Improve the state and federal courts' confidence in, and understanding of, the tribal court system.

***Office of Public Guardian***

I turn now to the work of the Office of Public Guardian and access to the courts for court-protected wards.

Since its inception in 2015, the Office of Public Guardian, housed in the Judicial Branch, has served 574 incapacitated persons. As of November 1, 2018, that office had 259 open cases. These 259 individuals collectively have over 700 identified categories of need involving complex issues such as cognitive impairment, mental health diagnoses, developmental disabilities, substance and alcohol abuse, medical conditions, history of criminal justice involvement, and/or history of Mental Health Board commitments.

The Public Guardianship Act also requires the Office of Public Guardian to maintain training programs for private guardians, successor guardians, and interested parties to ensure the success of all guardians and conservators. Therefore, in January of 2016 the Office of Public Guardian

began providing the education and certification required for newly-appointed private guardians and conservators.

Between December 1, 2017, and October 31, 2018, 102 guardian and conservator education classes were held at 25 sites throughout the State. These classes trained 1,294 new guardians and conservators.

I invite each of you to go over the recently released annual report of the Office of Public Guardian. The statistics cited and human-interest stories told make for a sobering read.

An editorial in the January 13, 2019, edition of the *Omaha World Herald* points out that the need for the Office of Public Guardian is likely to increase in the next 10 years as the population of Nebraska's citizens over the age of 65 increases by 250,000 people. I quote from that editorial:

The Office of Public Guardian is to be commended for the services it's providing to such Nebraskans – the need is great. This initiative deserves continued support, buttressed by a strengthening of Nebraska's medical and behavioral health communities.

#### ***Access to Justice – Language Access***

Annually, I also report to you on our courts' access to justice language program. This year, the Judicial Branch utilized 117 independent interpreters, collectively speaking 30 different languages, to translate court proceedings. Some of the languages interpreted include Sudanese, Arabic, Somali, Hmong, Tagalog, Karen, Nepali, and Nuer. Spanish is, of course, the most frequently translated language in the courts. We have permanent Spanish language supervisors available throughout the State.

#### ***Technology***

Each year I also speak to you about implementation of the Court's strategic plan for technology. Technology advancements continue to allow Nebraskans to access their courts from anywhere, at any time.

In 2018, 770,000 documents were filed electronically in county and district courts, while another 4,800 were filed electronically in the appellate courts. Online trial court records were searched nearly 7.5 million times, while online appellate records were searched approximately 10,000 times.

The judicial branch electronically collected over \$9 million in citation payments, \$9.5 million in payments for civil and criminal judgments, and \$4.7 million for eFiled pleadings. While many other state judiciaries have found it necessary to purchase new, multi-million dollar systems in order to offer the kinds of tools necessary for modern case management and service to the public, we built our case management system the Nebraska way: in-house, on budget, and on time.

Our technology remains focused on creating new and better online services to modernize access to the courts and meet the needs of today's judges, attorneys, and the public. Today, nearly one-half of all court transactions take place online.

Our new and better online services include increased interaction of probation case management with judicial case management. Probation case management is getting a new mobile interface that will allow probation officers to record interactions with probationers from any location. This will

reduce time spent by officers performing data entry tasks and thus free up more time to engage with clients.

The Judicial Branch has also invested in a powerful set of reporting tools that facilitate the best allocation of probation resources and the best outcomes for clients. For example, dashboards help probation chiefs manage caseloads and provide administration with a clear window into probation population trends across the state. Technological innovations are essential tools, allowing us to clearly measure the impact of justice reinvestment in our adult and juvenile justice reform efforts.

The Judicial Branch is also a partner to other State government entities, including the Department of Motor Vehicles and the State Patrol, in bringing better broadband connectivity to local county courthouses and criminal justice centers around the State. A recent investment in this partnership will increase connectivity in over 30 different counties. These investments ensure the ability of the trial courts to take advantage of modern technology, such as video-conferencing, to keep other costs down and bring faster service to the public.

### *Court Outreach*

This Court believes that access to justice includes outreach to Nebraska's schools. The Supreme Court continues to hold oral arguments each spring at Nebraska's two law colleges. In addition to and in conjunction with its arguments at Creighton University School of Law, the Supreme Court also holds oral arguments at an Omaha area high school each year. In 2018, oral arguments were held at Millard North; in 2019, the Supreme Court is scheduled to hear oral arguments at Boys Town.

We also hold oral arguments at various Nebraska high schools in connection with Law Day, celebrated each year on May 1. In 2018, the Court held oral arguments at Grand Island Central High School, and in 2019, the Court has scheduled Law Day oral arguments at Scottsbluff High School. In November of 2018, the Supreme Court held oral arguments at Schuyler High School with special guest Judge John Gerrard, Chief Judge of the United States District Court for the District of Nebraska, offering commentary.

We also commend the Nebraska Court of Appeals for holding oral arguments at Nebraska college campuses in connection with Constitution Day, which is celebrated annually on September 17. In 2018, the Court of Appeals went to York College; in 2019, the Court of Appeals will hold oral arguments at Concordia University in Seward as part of that school's 125<sup>th</sup> anniversary celebration.

I would be remiss if I did not take this opportunity to thank the many trial court judges and Judicial Branch employees who regularly take time out of their schedules to provide law-related education programs to students within their communities. Many of our judges and clerks participate in County Government Day, High School Mock Trials, We the People Competitions, Law Day Job Shadow projects, and other local efforts. The Court is encouraged by these dedicated judges and employees who are active participants in their communities.

***Pandemic Conference***

The Judicial Branch believes not only in being responsive to current needs and wants, but also in being prepared for what we may encounter in the future.

Through the assistance of the State Justice Institute, in May of 2019 the Nebraska Judicial Branch will host a conference that will coincide with the opening of the University of Nebraska Medical Center's Federal Quarantine Center in Omaha. This conference will bring together health officials, judges, and members of the legislative and executive branches of government from around the country to discuss how government can effectively meet the needs of citizens during a time of public health crisis.

Through our partnering with the University of Nebraska Medical Center in this project, we are able to focus on how a public health crisis may impact Nebraska courts and draw on UNMC's unique knowledge base of pandemic threats.

***Conclusion***

In conclusion, as we have invited these various community, State, and national partners to engage with the courts, I invite each of you to visit your local trial courts, probation offices, and problem-solving courts.

Likewise, we welcome you to visit the Supreme Court's oral arguments or watch live-streaming of those arguments on the Court's website or on Nebraska Public Television's website.

You will find there are no better-spent tax dollars than the tax dollars you allocate to the Courts and Probation.

Thank you for your past and continuing support for Nebraska's courts.

The committee escorted the Chief Justice from the Chamber.

**ANNOUNCEMENT(S)**

The Transportation and Telecommunications Committee elected Senator Geist as Vice Chairperson.

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

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

Senator Dorn name added to LB14.

Senator Dorn name added to LB28.

Senator Linehan name added to LB115.

Senator Kolterman name added to LB188.

Senator Dorn name added to LB225.

Senator Blood name added to LB248.

Senator Blood name added to LB249.

**VISITOR(S)**

Visitors to the Chamber were J. Scott Paul and Liz Neeley from the Nebraska Bar Association and Steve Guenzel and Steve Seglin from the Nebraska Bar Foundation; and members of the State Chamber's Leadership Nebraska Class XI.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 10:40 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Friday, January 18, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTH DAY - JANUARY 18, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 18, 2019

**PRAYER**

The prayer was offered by Pastor Ben Meyer, Freedom Baptist Church, Stamford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senator Linehan who was excused; and Senators Brewer, La Grone, McCollister, Morfeld, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB41	General Affairs (referred)
LB283	Executive Board
LB307	Natural Resources
LB313	Executive Board
LB314	Revenue
LB315	Revenue
LB316	Banking, Commerce and Insurance
LB317	Urban Affairs
LB318	Judiciary
LB319	Natural Resources
LB320	Agriculture
LB321	Agriculture
LB322	Judiciary
LB323	Health and Human Services

LB324	Judiciary
LB325	Transportation and Telecommunications
LB326	Appropriations
LB327	Appropriations
LB328	Health and Human Services
LB329	Health and Human Services
LB330	Health and Human Services
LB331	Judiciary
LB332	Health and Human Services
LB333	Agriculture
LB334	Appropriations
LB335	Judiciary
LB336	Government, Military and Veterans Affairs
LB337	Government, Military and Veterans Affairs
LB338	Revenue
LB339	Judiciary
LB340	Judiciary
LB341	Health and Human Services
LB342	Government, Military and Veterans Affairs
LB343	Judiciary
LB344	Agriculture
LB345	Business and Labor
LB346	Education
LB347	Health and Human Services
LB348	Urban Affairs
LB349	Revenue
LB350	Education
LB351	Education
LB352	Judiciary
LB353	Judiciary
LB354	Judiciary
LB355	Banking, Commerce and Insurance
LB356	Transportation and Telecommunications
LB357	Revenue
LB358	Education
LB359	Business and Labor
LB360	Business and Labor
LB361	Business and Labor
LB362	Business and Labor
LB363	Business and Labor
LB364	Business and Labor
LB365	Judiciary
LB366	Transportation and Telecommunications
LB367	Natural Resources
LB368	Natural Resources
LB369	Judiciary
LB370	Banking, Commerce and Insurance
LB371	Transportation and Telecommunications
LB372	Revenue

LB373 Government, Military and Veterans Affairs  
 LB374 Natural Resources  
 LB375 Government, Military and Veterans Affairs  
 LB376 Judiciary  
 LB377 Judiciary  
 LR9 Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson  
 Executive Board

### PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

**Proposed Rule Change 1 - Amend Rule 5, Sec. 5, add sec. 5(d) and renumber the following sections:**

**Rule 5**

**Sec. 5. Scheduling of Bills, Priority Bills.** (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The Legislature's Planning Committee may designate one bill consistent with the committee's jurisdiction as a priority bill but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

~~(e)~~(d) The State-Tribal Relations Committee may designate one bill consistent with the committee's jurisdiction as a priority bill but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

~~(f)~~(e) The Speaker may designate up to 25 additional priority bills.

~~(g)~~(f) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

~~(h)~~(g) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

~~(i)~~(h) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

~~(j)~~(i) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

~~(k)~~(j) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

~~(l)~~(k) No priority bill designated under this rule shall have priority over appropriations bills.

#### **Proposed Rule Change 2 - Amend Rule 7, Sec. 10**

##### **Rule 7**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. For purposes of this rule, full and fair debate shall mean not less than six hours on the General File stage of consideration, not less than 3 hours on the

Select File stage of consideration and not less than one and a half hours on the Final Reading stage of consideration. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

### **Proposed Rule Change 3 - Amend Rule 6, Sec. 2 and Sec. 3**

#### **Rule 6**

**Sec. 2. Objection to Reference of Bills.** (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent when offered by the primary introducer, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

**Sec. 3. General File.**

(e) At any stage of consideration of a bill, a motion to bracket or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected members. A unanimous consent motion to bracket or to unbracket to a date certain may only be offered by the primary introducer or, if a committee bill, by the committee chairperson. ~~In any event, such motions shall alternatively be passed by unanimous consent of the body.~~

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Monday, January 28, 2019 1:30 p.m.

Joyce Hasselbalch - Nebraska Arts Council  
 Mike Hunsberger - State Electrical Board  
 Jeffrey Bomberger - Nebraska Commission on Problem Gambling  
 Sarah Peetz - Nebraska Arts Council  
 LB56  
 LB75  
 LB65

(Signed) Tom Briese, Chairperson

Transportation and Telecommunications

Warner Chamber

Monday, January 28, 2019 1:30 p.m.

LB8  
 LB10  
 LB80  
 LB81

Tuesday, January 29, 2019 1:30 p.m.

LB111  
 LB142  
 LB156  
 LB192

(Signed) Curt Friesen, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, January 28, 2019 1:30 p.m.

LB221  
LB42  
LB78  
LB70

(Signed) Matt Williams, Chairperson

**ANNOUNCEMENT(S)**

The Government, Military and Veterans Affairs Committee elected Senator La Grone as Vice Chairperson.

**CONFLICT OF INTEREST STATEMENT**

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

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 17, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Almy, Jessica  
The Good Food Institute, Inc.  
American Communications Group, Inc.  
Teamsters Local Union 554  
Baird Holm LLP  
The Energy Studio, Inc.  
Benson, Brandon  
Convention of States Action  
Carter, Jennifer  
FBLincoln (Withdrawn 01/14/2019)  
Food Bank of the Heartland (Withdrawn 01/14/2019)  
Dukeshner, James  
Nebraska Rural Electric Association  
Gould, John 'Jack'  
Common Cause Nebraska

Husch Blackwell Strategies  
 American Suntanning Association  
 JUUL Labs  
 Kruse Company  
 Neilan Strategy Group  
 Manu, Nicole  
 The Good Food Institute, Inc.  
 Nartowicz, Nikolas  
 Americans United for Separation of Church and State  
 Neal, John P.  
 Lincoln Public Schools  
 Neilan Strategy Group  
 Wireless Infrastructure Association c/o MultiState Associates Inc.  
 O'Hara Lindsay & Associates, Inc.  
 21st Century Agricultural Opportunities Coalition  
 Potter, Tim  
 AARP Nebraska (Withdrawn 01/15/2019)  
 Radcliffe, Walter H. of Radcliffe and Associates  
 ACLU Nebraska  
 Nebraska New Car & Truck Dealers Association  
 Sanford, Robert A.  
 Nebraska Domestic Violence Sexual Assault Coalition  
 Swatsworth, Abby  
 Outline  
 Zulkoski Weber LLC  
 Nebraska Fuel Retailers

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 406.** Introduced by Gragert, 40.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 24-345, 25-2717, 69-1310, 69-1311, 69-1317, and 69-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned property reports, abandoned property notices, disposition of funds, transfers of funds, and duties of the State Treasurer; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 407.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Credit Union Act; to amend sections

21-1701 and 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to grant powers of out-of-state credit unions to in-state credit unions as prescribed; to provide powers and duties to the Director of Banking and Finance and the Department of Banking and Finance; to define terms; to eliminate a hearing requirement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 408.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122.01, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation paid upon the death of an employee; and to repeal the original section.

**LEGISLATIVE BILL 409.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-439, Reissue Revised Statutes of Nebraska; to adopt design standards for health care facilities; and to repeal the original section.

**LEGISLATIVE BILL 410.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to exempt certain sales of clothing and footwear from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 411.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to county boards; to amend section 23-149, Reissue Revised Statutes of Nebraska, and section 23-148, Revised Statutes Cumulative Supplement, 2018; to provide an additional method of changing the number of commissioners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 412.** Introduced by Geist, 25; Lowe, 37; Slama, 1.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend sections 13-2501, 13-2504, 13-2509, 13-2510, and 13-2513, Reissue Revised Statutes of Nebraska; to require an election to approve creation of a joint public agency as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 413.** Introduced by Brandt, 32; Blood, 3; Brewer, 43; Briese, 41; Chambers, 11; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application submission deadlines as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 414.** Introduced by Brandt, 32; Erdman, 47.

A BILL FOR AN ACT relating to county highway superintendents; to amend section 39-1508, Reissue Revised Statutes of Nebraska; to change duties as prescribed; to eliminate an annual report requirement; to repeal the original section; and to outright repeal section 39-1512, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 415.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to recall elections; to amend sections 32-571, 32-628, 32-1206, 49-1405, and 49-1409, Reissue Revised Statutes of Nebraska; to eliminate recall provisions for political subdivisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 31-786, 31-787, 31-788, 31-789, 31-790, 31-791, 31-792, 31-793, 32-1205, 32-1301, 32-1302, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308, and 32-1309, Reissue Revised Statutes of Nebraska, and section 32-1303, Revised Statutes Cumulative Supplement, 2018.

#### **MOTION(S) - Withdraw LB72**

Senator M. Hansen offered his motion, MO1, found on page 219, to withdraw LB72.

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

The M. Hansen motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 416.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-1037, Reissue Revised Statutes of Nebraska, and section 79-1035, Revised Statutes Cumulative Supplement, 2018; to change the apportionment of funds from the temporary school fund; to change the distribution of county funds to school districts; and to repeal the original sections.

**LEGISLATIVE BILL 417.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-27,187.02, 77-2912, 77-5208, and 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Advantage Rural Development Act, the Nebraska Job Creation and Mainstreet Revitalization Act, the Beginning Farmer Tax Credit Act, and the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 418.** Introduced by Cavanaugh, 6; Bolz, 29; DeBoer, 10; Gragert, 40; Groene, 42; Hunt, 8; McDonnell, 5; Quick, 35.

A BILL FOR AN ACT relating to the Collection Agency Act; to amend section 45-601, Reissue Revised Statutes of Nebraska; to change provisions relating to certain medical debt collection involving workers' compensation; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 419.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5701, 77-5702, 77-5714, 77-5723, 77-5725, 77-5726, and 77-5735, Reissue Revised Statutes of Nebraska; to change the Nebraska Advantage Act as prescribed; to create a fund and a grant program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 420.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Circuit Breaker Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 421.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to asbestos; to adopt the Asbestos Trust Claims Transparency Act.

**LEGISLATIVE BILL 422.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-167, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2018; to adopt the Art Therapy Practice Act; to create a board; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 423.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-907, Reissue Revised Statutes of Nebraska; to change and

eliminate definitions; to eliminate School Health Center Advisory Councils for school-based health centers; to repeal the original section; and to outright repeal section 68-968, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 424.** Introduced by Quick, 35; Blood, 3; Bolz, 29; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; Dorn, 30; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to municipalities; to amend sections 77-1736.06, 77-1807, and 77-1810, Reissue Revised Statutes of Nebraska, and sections 19-5201, 19-5202, 19-5203, 19-5204, 19-5205, 19-5206, 19-5207, 19-5208, 19-5209, 19-5210, 19-5211, 19-5212, 19-5213, 19-5214, 19-5215, 19-5216, 19-5217, and 19-5218, Revised Statutes Cumulative Supplement, 2018; to transfer and change provisions of the Nebraska Municipal Land Bank Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 426.** Introduced by DeBoer, 10; Bolz, 29; Cavanaugh, 6; Howard, 9; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, 43-108, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to update terminology; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 427.** Introduced by Howard, 9; DeBoer, 10.

A BILL FOR AN ACT relating to children; to amend section 42-377, Reissue Revised Statutes of Nebraska; to change terminology relating to legitimacy of children; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility for benefits; and to repeal the original section.

**LEGISLATIVE BILL 429.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 430.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 431.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and sections 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the base limitation; to change the local effort rate; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 432.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and sections 79-1003 and 79-1016, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to levy authority; to define and redefine terms; to change the calculation of adjusted valuation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 433.** Introduced by Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of security deposits and damages; and to repeal the original section.

**LEGISLATIVE BILL 434.** Introduced by Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Reissue Revised Statutes of

Nebraska; to change provisions relating to the three-day notice to quit and create a right of redemption for the tenant; and to repeal the original section.

**LEGISLATIVE BILL 435.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1439, Reissue Revised Statutes of Nebraska; to change provisions relating to retaliatory conduct by a landlord; and to repeal the original section.

**LEGISLATIVE BILL 436.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to government; to create the Complete Count Commission; to provide powers and duties; and to require reports.

**LEGISLATIVE BILL 437.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 438.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-908 and 47-918, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Nebraska State Patrol; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services and the Lincoln Regional Center as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 439.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to require certain coverage for chiropractic services; and to repeal the original section.

**LEGISLATIVE BILL 440.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the State Aeronautics Act; to amend section 3-148, Revised Statutes Cumulative Supplement, 2018; to increase a tax on aviation jet fuel; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 441.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change provisions relating to certain refund deductions and applicability to municipalities as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 442.** Introduced by McCollister, 20; Dorn, 30; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

**LEGISLATIVE BILL 443.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-181, Reissue Revised Statutes of Nebraska; to require the Department of Correctional Services to allow committed offenders to communicate with their attorneys as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 444.** Introduced by McDonnell, 5; Arch, 14; Blood, 3; Brewer, 43; Clements, 2; Crawford, 45; La Grone, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3502, 77-3503, and 77-3506, Reissue Revised Statutes of Nebraska; to redefine terms; to provide a homestead exemption for certain dwelling complexes located on military installations as prescribed; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 445.** Introduced by McDonnell, 5; Cavanaugh, 6; DeBoer, 10; Groene, 42; Halloran, 33; Hilkemann, 4; Hunt, 8; Kolowski, 31; Lathrop, 12; Linehan, 39; Murman, 38; Slama, 1; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-501.01, Reissue Revised Statutes of Nebraska; to require an annual budget report relating to use of any occupation tax levied and collected; and to repeal the original section.

**LEGISLATIVE BILL 446.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the County Justice Reinvestment Grant Program.

**LEGISLATIVE BILL 447.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the State Personnel System; to amend section 81-1316, Revised Statutes Cumulative Supplement, 2018; to exempt

positions from the Nebraska State Historical Society as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 448.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to compensation paid for burial expenses; and to repeal the original section.

**LEGISLATIVE BILL 449.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend section 38-1001, Revised Statutes Cumulative Supplement, 2018; to define a term; to prohibit scleral tattooing; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 450.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 451.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Hansen, B., 16; Kolterman, 24; Lowe, 37; Murman, 38; Williams, 36.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

**LEGISLATIVE BILL 452.** Introduced by Clements, 2; Arch, 14; Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-1901, Reissue Revised Statutes of Nebraska, and section 13-1907, Revised Statutes Cumulative Supplement, 2018; to change the boundaries of the Nebraska planning and development regions; to provide a process for a county to switch to an adjacent planning and development region; to provide a duty for the Department of Economic Development; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 453.** Introduced by Clements, 2; Stinner, 48.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to provide for

hearings on membership expansion applications as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 454.** Introduced by Clements, 2.

A BILL FOR AN ACT relating to real estate licenses; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to eliminate a high school diploma or high school equivalency requirement for issuance of license; and to repeal the original section.

**LEGISLATIVE BILL 455.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to jails; to amend sections 47-701 and 47-703, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to apportionment of costs of medical services of certain inmates; and to repeal the original sections.

**LEGISLATIVE BILL 456.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.47, Reissue Revised Statutes of Nebraska; to redefine a term; to provide a sales and use tax exemption for certain machinery and equipment used to produce electricity; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 457.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms relating to industrial hemp; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 458.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska; to define and redefine terms; to restate legislative intent; to change and provide duties of the Department of Health and Human Services and law enforcement agencies relating to reports of child abuse or neglect; to provide duties for child advocacy centers; to state legislative intent regarding appropriations; to provide for access to certain confidential information by child advocacy centers; to change child abuse and neglect investigation teams and child abuse and neglect treatment teams to multidisciplinary investigation teams and multidisciplinary treatment teams; to change and provide duties for county attorneys, multidisciplinary teams, and child advocacy centers; to change training requirements for multidisciplinary team members; to require reports; to require the department, the juvenile courts, and the Nebraska Commission on Law Enforcement and Criminal Justice to provide child

advocacy centers with access to certain records as prescribed; to change and provide duties relating to monthly reports by service area administrators and the department to child advocacy centers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 459.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to child care; to amend section 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to the Child Care Licensing Act; to provide powers and duties for the Department of Health and Human Services and the Nebraska State Patrol and change requirements regarding national criminal history record information checks; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to child care; to amend section 71-1924, Reissue Revised Statutes of Nebraska; to change provisions relating to the Children's Residential Facilities and Placing Licensure Act; to provide powers and duties for the Division of Public Health of the Department of Health and Human Services and the Nebraska State Patrol regarding national criminal history record information checks; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 461.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-301, 75-302, 75-303.01, 75-303.02, 75-303.03, 75-304, 75-304.01, 75-305, 75-307, 75-309, 75-309.01, 75-310, 75-311, 75-315, 75-316, 75-318, 75-319, 75-320, 75-321, 75-322, and 75-324, Reissue Revised Statutes of Nebraska; to change legislative policy relating to motor carrier regulation; to redefine terms; to eliminate certificates of public convenience and necessity and permits for common and contract carriage; to provide a permit application process for regulated motor carriers; to change provisions relating to rates, insurance and bonding requirements, and permit suspension and revocation; to change a sale, transfer, lease, merger, or consolidation application process; to eliminate provisions relating to household goods mover authority and route authority; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 75-304.02, 75-313, and 75-314, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 462.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, 76-2305, 76-2319, 76-2322, and

76-2325, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties for the board of directors and the State Fire Marshal; to provide for the licensing of locators and the establishment of minimum training standards and practices; to create a dispute resolution board as prescribed; to provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2316, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 463.** Introduced by Williams, 36; Brandt, 32; Briese, 41; Chambers, 11; Clements, 2; Dorn, 30; Friesen, 34; Groene, 42; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1837, and 77-1837.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to real property sold for delinquent taxes, the process for issuing treasurer's tax deeds, and tax sale certificates; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1824.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 464.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 465.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 466.** Introduced by Howard, 9; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

**LEGISLATIVE BILL 467.** Introduced by Vargas, 7; Howard, 9.

A BILL FOR AN ACT relating to the Legislature; to prohibit consideration of certain factors for the purpose of drawing district boundaries as prescribed.

**LEGISLATIVE BILL 468.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit additional services and

populations under the medicaid managed care program as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 469.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5501, 44-5507, 44-7508.02, 44-7513, and 44-7514, Reissue Revised Statutes of Nebraska, and sections 44-5502 and 44-5508, Revised Statutes Cumulative Supplement, 2018; to amend the Surplus Lines Insurance Act; to define a term; to change requirements for nonadmitted insurers; to change terms; to amend the Property and Casualty Rate and Form Act; to eliminate requirements for the adoption of certain rules and regulations; to change provisions relating to an exemption from policy form approval requirements for certain individual commercial risks; to eliminate a requirement for the adoption of rules and regulations to disapprove subjective rating criteria; to eliminate provisions relating to approval of domestic insurer employee benefit plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, and 44-7512, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 470.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, 85-1808, 85-1809, 85-1811, 85-1812, 85-1813, and 85-1814, Reissue Revised Statutes of Nebraska; to authorize and provide a tax deduction for contributions to the Nebraska educational savings plan trust made by nonparticipant contributors as prescribed; to remove a tax deduction limit relating to the Nebraska educational savings plan trust and the achieving a better life experience program; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 471.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to civil procedure; to provide a procedure for consolidation of related civil actions in multiple judicial districts.

**LEGISLATIVE BILL 472.** Introduced by Dorn, 30; Brandt, 32; DeBoer, 10; Erdman, 47; Friesen, 34; Groene, 42; McCollister, 20; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2708, 77-2711, 77-2712.05, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to adopt the Qualified Judgment Payment Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 473.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1619 and 77-1620, Reissue Revised Statutes of Nebraska; to change provisions relating to judgments against public corporations or political subdivisions; to authorize loans as prescribed; to provide powers and duties for the State Treasurer; and to repeal the original sections.

**LEGISLATIVE BILL 474.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 29-4601, 29-4602, 29-4603, 29-4604, 29-4605, 29-4606, 29-4607, 29-4608, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to rename the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to provide for claims against the state by persons wrongfully incarcerated; to change provisions relating to the effect of recovery on a claim under such act; to provide a procedure to seek reimbursement from the State Claims Board for certain judgments against political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 475.** Introduced by Geist, 25; Slama, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to create the offense of sexual extortion; to define terms; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize a provision; and to repeal the original sections.

**LEGISLATIVE BILL 476.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2138 and 14-2139, Revised Statutes Cumulative Supplement, 2018; to eliminate a sunset provision relating to certain retail sales of natural gas as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 477.** Introduced by Vargas, 7; Dorn, 30; McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax exemption for Segal AmeriCorps Education Awards; and to repeal the original section.

**LEGISLATIVE BILL 478.** Introduced by Vargas, 7; Hunt, 8; Lathrop, 12; Wayne, 13.

A BILL FOR AN ACT relating to civil actions; to prohibit use of a minor's consent as a defense or mitigation of damages or liability in civil actions

arising from sexual assaults by adults in positions of authority; and to define terms.

**NOTICE OF COMMITTEE HEARING(S)**  
Business and Labor

Room 1524

Monday, January 28, 2019 1:30 p.m.

LB102  
LB139  
LB301  
LB306  
LB359

(Signed) Matt Hansen, Chairperson

Education

Room 1525

Monday, January 28, 2019 1:30 p.m.

LB241  
LB281  
LB251

(Signed) Mike Groene, Chairperson

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

Senator Chambers filed the following motion to LB72:

MO2

Reconsider the vote taken to withdraw the bill.

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

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

Senator Hunt name added to LB44.  
Senator Hunt name added to LB66.  
Senator Chambers name added to LB170.  
Senator Murman name added to LB205.  
Senator Hunt name added to LB275.  
Senator Brandt name added to LB314.  
Senator Briese name added to LB316.  
Senator Linehan name added to LB395.

**WITHDRAW - Cointroducer(s)**

Senator Cavanaugh name withdrawn from LB141.  
Senator Hilkemann name withdrawn from LB311.

**VISITOR(S)**

Visitors to the Chamber were students and teachers Creighton University and College of Saint Mary, Omaha; and members of the Occupational Therapy Association from across the state.

**ADJOURNMENT**

At 10:15 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, January 22, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINTH DAY - JANUARY 22, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 22, 2019

**PRAYER**

The prayer was offered by Father Michael Melchizedek, Saints Simon and Jude Eastern Orthodox Church, Lincoln.

**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 Senator Linehan who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB378	Transportation and Telecommunications
LB379	Banking, Commerce and Insurance
LB380	Banking, Commerce and Insurance
LB381	Government, Military and Veterans Affairs
LB382	Agriculture
LB383	Business and Labor
LB384	Banking, Commerce and Insurance
LB385	Government, Military and Veterans Affairs
LB386	Government, Military and Veterans Affairs
LB387	Judiciary
LB388	Judiciary
LB389	Judiciary
LB390	Judiciary
LB391	Judiciary
LB392	Judiciary

LB393 Revenue  
LB394 Appropriations  
LB395 Judiciary  
LB396 Judiciary  
LB397 General Affairs  
LB398 Education  
LB399 Education  
LB400 Business and Labor  
LB401 Transportation and Telecommunications  
LB402 Health and Human Services  
LB403 Appropriations  
LB404 Appropriations  
LB405 Urban Affairs  
LR11CA Executive Board

(Signed) Mike Hilgers, Chairperson  
Executive Board

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

Room 1510

Tuesday, January 29, 2019 1:30 p.m.

LB57  
LB121  
LB160  
LB66  
LB11

(Signed) Justin Wayne, Chairperson

Agriculture

Room 1524

Tuesday, January 29, 2019 1:30 p.m.

LB243  
LB321  
LB333

(Signed) Steve Halloran, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 29, 2019 1:30 p.m.

LB355  
LB258  
LB259  
LB188

(Signed) Matt Williams, Chairperson

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

Senator Blood filed the following amendment to LB7:

AM10

1 1. On page 2, line 22, after "and" insert "(i)"; in line 23 after  
2 "performed" insert "or (ii) ownership is intended to be transferred"; and  
3 strike beginning with the first comma in line 24 through the last comma  
4 in line 25.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 4 and 6 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 4 and 6.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 479.** Introduced by Wishart, 27; Blood, 3; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Hansen, M., 26; Howard, 9; Hunt, 8; Kolterman, 24; Lathrop, 12; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Slama, 1; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 27-404, 27-413, 28-115, 28-318, 28-322.01, and 29-4003, Reissue Revised Statutes of Nebraska, and sections 28-101 and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to prohibit sexual assault of detainees by employees of law enforcement agencies; to define and redefine terms; to provide a penalty; to change provisions relating to evidence of sexual assault under the Nebraska Evidence Rules, enhanced penalties for certain crimes against pregnant women, sexual abuse of an inmate or parolee, registrable offenses under the Sex Offender Registration Act, and eligibility for

participation in incarceration work camp; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 480.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state findings; and to state intent relating to appropriations to local public health departments with respect to preventive health programs.

**LEGISLATIVE BILL 481.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Health and Human Services.

**LEGISLATIVE BILL 482.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-101, Reissue Revised Statutes of Nebraska; to define a term; to provide for an adjustment to the assessed value of destroyed real property; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 483.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-103.01, 77-201, 77-1343, 77-1359, 77-1371, 77-1502, 77-1507.01, 77-5022, 77-5023, and 77-6203, Reissue Revised Statutes of Nebraska, and sections 79-1016 and 79-1036, Revised Statutes Cumulative Supplement, 2018; to change the valuation of agricultural land and horticultural land as prescribed; to create the Agricultural Land Valuation Board; to eliminate provisions relating to land classifications; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1363, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 484.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-929, 28-929.01, 28-930, 28-931, and 28-931.01, Reissue Revised Statutes of Nebraska, and sections 28-1351 and 28-1354, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to assault on an officer, emergency responder, certain employees, or a health care professional in the first, second, and third degree and assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation for the Youth Rehabilitation and Treatment Center-Kearney.

**LEGISLATIVE BILL 486.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to education; to adopt the Veteran and Active Duty Supportive Postsecondary Institution Act.

**MOTION - Adopt Permanent Rules**

Senator Crawford moved to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

The Rules Committee offered the proposed rules change, found on page 233, to Rule 5, Sec. 5(d).

The Rules Committee's proposed rules change to Rule 5, Sec. 5(d), was adopted with with 25 ayes, 17 nays, and 7 present and not voting.

The Rules Committee offered the proposed rules change, found on pages 235 and 236, to Rule 6, Sec. 2 and Sec. 3.

The Rules Committee's proposed rules change to Rule 6, Sec. 2 and Sec. 3, was adopted with 32 ayes, 10 nays, and 7 present and not voting.

The Rules Committee offered the proposed rules change, found on page 234, to Rule 7, Sec. 10.

Senator Chambers offered the following amendment to the proposed rules change:

Amend Proposed Rule Change

Rule 7, Sec. 10

Every place where "presiding officer" appears, strike it and insert "Speaker"

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Blood	Howard	Lathrop	Quick
Cavanaugh	Hunt	Morfeld	Wayne
Chambers	Kolowski	Pansing Brooks	Wishart

Voting in the negative, 36:

Albrecht	Crawford	Hansen, B.	Linehan	Stinner
Arch	DeBoer	Hansen, M.	Lowe	Vargas
Bolz	Dorn	Hilgers	McCollister	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Williams
Brandt	Geist	Hughes	Moser	
Brewer	Gragert	Kolterman	Murman	
Briese	Groene	La Grone	Scheer	
Clements	Halloran	Lindstrom	Slama	

Excused and not voting, 1:

Friesen

The Chambers amendment lost with 12 ayes, 36 nays, and 1 excused and not voting.

Senator Crawford withdrew the Rules Committee's proposed rules change, found on page 234, to Rule 7, Sec. 10.

Senator Briese offered the following proposed rules change:

**Rule 7**

**Sec. 3. Motion, in Writing, Withdrawal.** (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator. Any member may request that for any debatable motion or amendment to proceed, approval of the motion be demanded by five or more members.

Senator Briese withdrew his proposed rules change to Rule 7, Sec. 3.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 487.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2018; to require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to schools; to amend section 79-712, Reissue Revised Statutes of Nebraska; to require mental health education as

prescribed; to change drug awareness and prevention requirements as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 489.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to require certain credential holders to register for the prescription drug monitoring system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 490.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to amend sections 11-119, 11-125, 11-126, 22-417, 23-120, 23-121, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 24-228, 24-507, 24-508, 32-524, 32-567, 33-106.02, 43-2,123, and 43-512.05, Reissue Revised Statutes of Nebraska, and section 23-2504, Revised Statutes Cumulative Supplement, 2018; to provide for judicial reform; to transition the office of the clerk of the district court from an elected county-reimbursed position to an appointed state-reimbursed position; to consolidate the positions of clerk magistrate and clerk of the district court into the clerk of the courts; to transfer employees of such positions from county to state employees; to require judges and clerks to develop consolidation plans; to change provisions relating to courts, clerks, clerk magistrates, court fees, and court facilities; to provide duties for the State Court Administrator; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 491.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to state findings; to define terms; to authorize punitive damages as prescribed; and to require punitive damages to be appropriated for the use of the common schools.

**LEGISLATIVE BILL 492.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-1213, 13-2202, 13-2401, 14-1803, 14-1812, 32-567, 32-604, 32-1203, 75-303, 77-3442, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-519, 13-1205, 13-1209, 32-101, 60-6,290, 84-304, and 84-304.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Regional Metropolitan Transit Authority Act; to change a provision relating to creation of a metropolitan transit authority; to provide a maximum property tax levy for a regional metropolitan transit authority; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 493.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax exemptions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 494.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

**LEGISLATIVE BILL 495.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to provide for a statewide system of data collection on school discipline and law enforcement referrals as prescribed; and to provide duties for the State Board of Education and school districts.

**LEGISLATIVE BILL 496.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-916.01, 28-919, 28-922, 29-1912, 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924, Reissue Revised Statutes of Nebraska; to change penalties for tampering with witnesses or informants, jury tampering, and tampering with physical evidence; to change provisions relating to discovery in criminal cases; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 497.** Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Dorn, 30; Erdman, 47; Gragert, 40; Halloran, 33; Hughes, 44; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-202, 77-382, 77-693, 77-801, 77-1238, 77-1248, 77-1601.02, 77-2602, 77-2701.16, 77-2704.24, 77-2704.67, 77-27,132, 77-3442, and 77-5023, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1003, 79-1015.01, 79-1016, and 79-1022, Revised Statutes Cumulative Supplement, 2018; to adopt the School District Property Tax Authority Act; to increase alcohol taxes; to change the valuation of agricultural land and horticultural land for school district taxation purposes; to terminate the exemptions provided under the Personal Property Tax Relief Act and certain sales tax exemptions; to increase the cigarette tax; to impose sales and use taxes on certain services; to transfer certain revenue to the Cash Reserve Fund; to change the levy limit for school districts as prescribed; to change the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 498.** Introduced by Wishart, 27; Cavanaugh, 6; Chambers, 11; Howard, 9; Hunt, 8; McCollister, 20; Morfeld, 46;

Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a state plan amendment relating to coverage for family planning services; and to repeal the original section.

**LEGISLATIVE BILL 499.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-3105 and 38-3129, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for psychological services as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 500.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to pretrial diversion; to amend sections 29-3604 and 29-3605, Reissue Revised Statutes of Nebraska; to prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license revocation violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 501.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for in vitro fertilization procedures as prescribed; and to provide for rules and regulations by the Department of Insurance.

**LEGISLATIVE BILL 502.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to immigration; to adopt the Limited Immigration Inquiry Act.

**LEGISLATIVE BILL 503.** Introduced by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to abortion; to amend section 28-335, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to physicians' physical presence; and to repeal the original section.

**LEGISLATIVE BILL 504.** Introduced by Hunt, 8; Cavanaugh, 6; DeBoer, 10; Howard, 9; Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-109, 28-110, 28-111, 28-112, 28-113, and 28-114, Reissue Revised Statutes of Nebraska; to define a term; to provide for enhanced penalties for commission of a crime because of a victim's gender identity or association with a person of a certain gender identity; to include strangulation in the offenses to which enhanced penalties apply; to change provisions relating to

legislative intent, civil actions, and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to support order payments; to amend section 43-3342.03, Reissue Revised Statutes of Nebraska; to change provisions relating to forwarded and returned payments, collection expenses, and the State Disbursement Unit; and to repeal the original section.

**LEGISLATIVE BILL 506.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Request Limitation Act; and to provide an operative date.

**LEGISLATIVE BILL 507.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of the net increase in tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08, 77-2704.14, 77-2704.38, 77-2704.52, 77-2704.55, 77-2704.56, 77-2704.65, 77-2704.66, and 77-2704.67, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 508.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of certain sales and use tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08 and 77-2704.52, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 509.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine net metering and qualified facility; to change a provision relating to powers and duties of a local distribution utility; and to repeal the original sections.

**LEGISLATIVE BILL 510.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to

amend section 29-4003, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the act to certain juvenile adjudications; and to repeal the original section.

**LEGISLATIVE BILL 511.** Introduced by Brewer, 43; Bostelman, 23; Gragert, 40; Halloran, 33; Linehan, 39; Murman, 38.

A BILL FOR AN ACT relating to state employees; to authorize adjustments to work schedules for participation in approved youth mentoring programs as prescribed.

**LEGISLATIVE BILL 512.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-414, 77-702, 77-1239, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, and reimbursement to political subdivisions; to provide for reassessment of destroyed or damaged property; to change provisions relating to personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 513.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to bonds; to amend section 10-702, Reissue Revised Statutes of Nebraska, and section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change requirements for the issuance of certain bonds; and to repeal the original sections.

**LEGISLATIVE BILL 514.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Reissue Revised Statutes of Nebraska; to include child support credit and spousal support credit as property obtained under issuing or passing a bad check or other order; and to repeal the original section.

**LEGISLATIVE BILL 515.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-271, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent,

suspension, expulsion, reassignment, discipline, and hearings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

A BILL FOR AN ACT relating to children and families; to amend sections 28-707, 28-710, 28-713, 28-720.01, and 29-110, Reissue Revised Statutes of Nebraska, and sections 28-101 and 43-4406, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to child abuse, the Child Protection and Family Safety Act, human trafficking, and child welfare services; to provide duties for the Department of Health and Human Services; to change statutes of limitations with respect to human trafficking offenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 517.** Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,299, Reissue Revised Statutes of Nebraska; to change human trafficking damage provisions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 518.** Introduced by Linehan, 39; Pansing Brooks, 28; Slama, 1.

A BILL FOR AN ACT relating to health and human services; to amend section 81-1429.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Support for Trafficking Survivors Act; to create an office, a board, and a fund; to state intent regarding appropriations; and to repeal the original section.

**LEGISLATIVE BILL 519.** Introduced by Slama, 1; Linehan, 39; Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-110 and 86-291, Reissue Revised Statutes of Nebraska; to change statutes of limitations for prosecution for labor and sex trafficking, labor and sex trafficking of a minor, and offenses involving visual depictions of sexually explicit conduct and sexually explicit acts; to change provisions relating to interception of communications; and to repeal the original sections.

**LEGISLATIVE BILL 520.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to require cities of the metropolitan class to annually update their safety standards and operating procedures for road construction and maintenance; to provide requirements for such standards and procedures; and to provide a duty for

the Revisor of Statutes.

**LEGISLATIVE BILL 521.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, and 60-3308, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to automated vehicles; to repeal the original sections; and to outright repeal section 60-3306, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 522.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to county government; to amend sections 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, and 23-2516, Reissue Revised Statutes of Nebraska, and sections 23-2503, 23-2504, 23-2506, 23-2510, and 23-2514, Revised Statutes Cumulative Supplement, 2018; to name the County Civil Service Commission Act; to change provisions relating to the purpose of the act and commission membership; to eliminate a provision providing commission duties; to provide for appointment of and prescribe duties for a human resources director; to harmonize provisions; to repeal the original sections; and to outright repeal section 23-2507, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 523.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to taxation; to amend sections 76-902, 77-123, 77-202, 77-202.01, 77-202.03, and 77-202.09, Reissue Revised Statutes of Nebraska, and section 60-3,185, Revised Statutes Cumulative Supplement, 2018; to provide a documentary stamp tax exemption for certain deeds and a property tax exemption to educational, religious, charitable, or cemetery limited liability companies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 524.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 79-1074, Reissue Revised Statutes of Nebraska, and section 13-509, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to annexations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 525.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of county real estate; to provide for transfer of an interest in real estate by a plat as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 526.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation for temporary disability; and to repeal the original section.

**LEGISLATIVE BILL 527.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to economic development; to amend section 48-622.01, Revised Statutes Cumulative Supplement, 2018; to adopt the Customized Job Training Act; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Hilkemann, 4; Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, and 38-2605, Reissue Revised Statutes of Nebraska; to redefine terms; to provide for use of pharmaceutical agents and routes of administration as prescribed; to authorize treatment and procedures as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 529.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change provisions relating to a property tax exemption for hospitals; and to repeal the original section.

**LEGISLATIVE BILL 530.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2018; to change the valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 531.** Introduced by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Election Administration Fund; to amend section 32-204, Revised Statutes Cumulative Supplement, 2018; to provide for a transfer; to create a fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 532.** Introduced by Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924.02, and 42-926, Reissue Revised Statutes of Nebraska, and sections 28-311.11, 42-924, and 42-925, Revised Statutes Cumulative

Supplement, 2018; to change provisions relating to harassment protection orders, sexual assault protection orders, and domestic abuse protection orders; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 533.** Introduced by Cavanaugh, 6; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

**LEGISLATIVE BILL 534.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to postsecondary education; to require a sexual assault campus climate survey, a report, and training.

**LEGISLATIVE BILL 535.** Introduced by Cavanaugh, 6; DeBoer, 10; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5735, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for applicability of changes; and to repeal the original sections.

**LEGISLATIVE BILL 536.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3805, 30-3808, 30-3855, and 30-3859, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Directed Trust Act; to provide for applicability; to change and eliminate related Uniform Trust Code provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 30-3873, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 537.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to school districts; to amend section 79-826, Reissue Revised Statutes of Nebraska; to change provisions relating to a certificated employee's performance or conduct; and to repeal the original section.

**LEGISLATIVE BILL 538.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1107 and 77-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a gambling device; to redefine mechanical amusement device under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties for, the Department of Revenue as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 539.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend section 28-351, Reissue Revised Statutes of Nebraska; to redefine abuse to include assaults; and to repeal the original section.

**LEGISLATIVE BILL 540.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216.02, Revised Statutes Cumulative Supplement, 2018; to eliminate a termination date; and to repeal the original section.

**LEGISLATIVE BILL 541.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4819, Reissue Revised Statutes of Nebraska; to change provisions relating to public education regarding bone marrow donors; and to repeal the original section.

**LEGISLATIVE BILL 542.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Firearm Safety Act; to provide for a tax credit; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 543.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to government; to amend sections 52-118, 73-306, and 81-1016, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to payment bonds for construction contracts for public buildings; to change powers and duties related to rules and regulations of the Department of Administrative Services; to exempt all state agency deputy directors and attorneys from the State Personnel System as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 544.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to amend section 85-1807, Reissue Revised Statutes of Nebraska; to adopt the Meadowlark Scholarship Act; to change provisions relating to the College Savings Plan Expense Fund; and to repeal the original section.

**LEGISLATIVE BILL 545.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2701, 77-2716, 85-1802, 85-1806, 85-1807,

85-1808, 85-1809, 85-1810, and 85-1812, Reissue Revised Statutes of Nebraska; to authorize and provide an income tax deduction for employer contributions as prescribed; to provide for contributions of income tax refunds; to define a term; to require that employer contributions not be recognized as income for certain purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 546.** Introduced by Wishart, 27; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for a low-income spay and neuter grant program and for Spay and Neuter Awareness Plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 547.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1809, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska; to create funds; to create the College Savings Plan Matching Grant Program and provide for state matching grants as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 548.** Introduced by Howard, 9; Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to prohibit restraining animals in the event of certain natural or manmade disasters or severe weather events as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 549.** Introduced by Brandt, 32; Briese, 41; Dorn, 30; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Reissue Revised Statutes of Nebraska; to define terms; to provide duties for certain telecommunications companies and the Public Service Commission; to provide for creation and maintenance of a geographic information system map as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 550.** Introduced by Vargas, 7; Hilgers, 21.

A BILL FOR AN ACT relating to wireless telecommunications services; to amend sections 86-313 and 86-457, Reissue Revised Statutes of Nebraska, and sections 86-328 and 86-1028, Revised Statutes Cumulative Supplement, 2018; to require voter approval for taxes and fees on wireless services; to change and eliminate certain surcharges; to eliminate the Prepaid Wireless Surcharge Act; to harmonize provisions; to repeal the original sections; and

to outright repeal section 86-901, Reissue Revised Statutes of Nebraska, and sections 86-320.02, 86-902, 86-903, 86-904, and 86-905, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 551.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for development districts.

**LEGISLATIVE BILL 552.** Introduced by McDonnell, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend sections 72-1901, 72-1902, and 72-1904, Reissue Revised Statutes of Nebraska; to change legislative findings, intent relating to appropriations, and application deadlines; and to repeal the original sections.

**LEGISLATIVE BILL 553.** Introduced by Clements, 2.

A BILL FOR AN ACT relating to civil rights; to require reasonable accommodation for a person with a disability to have an assistance animal in a dwelling as prescribed; to define terms; and to provide a written verification process.

**LEGISLATIVE BILL 554.** Introduced by Wishart, 27; Kolterman, 24; Linehan, 39; Morfeld, 46; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs not on the preferred drug list; and to repeal the original section.

**LEGISLATIVE BILL 555.** Introduced by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to hospitals; to amend section 71-448, Reissue Revised Statutes of Nebraska; to adopt the Sexual Assault Emergency Care Act; to provide for disciplinary action against a hospital's license; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 556.** Introduced by Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to the prescription drug monitoring program; to amend section 71-2454, Reissue Revised Statutes of Nebraska; to change provisions relating to program purposes, reporting, prescription information, disclosure, and user access as prescribed; to provide duties; to define and redefine terms; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 557.** Introduced by Lindstrom, 18; Howard, 9.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-473, 28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to transfer provisions to the Uniform Credentialing Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 558.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 559.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to the State Anatomical Board; to amend sections 71-1001, 71-1003, 71-1004, and 71-1007, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the State Anatomical Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1002, 71-1005, and 71-1006, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 560.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5209, 77-5209.01, and 77-5211, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 561.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1204 and 50-1205.01, Revised Statutes Cumulative Supplement, 2018; to adopt updated audit standards; and to repeal the original sections.

**LEGISLATIVE BILL 562.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to University of Nebraska facilities and appropriations.

**LEGISLATIVE BILL 563.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend section 85-1539, Reissue Revised Statutes of Nebraska, and sections 85-1412 and 85-2104, Revised Statutes Cumulative Supplement, 2018; to adopt the Access College Early Tech Promise Program Act; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 564.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, 13-2707.01, and 13-2709, Revised Statutes Cumulative Supplement, 2018; to change the Civic and Community Center Financing Act; and to repeal the original sections.

**LEGISLATIVE BILL 565.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2331, 79-901, and 84-1331, Reissue Revised Statutes of Nebraska, and sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to state legislative intent relating to a designated beneficiary determination under the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, any school employees retirement system established under the Class V School Employees Retirement Act, and the State Employees Retirement System of the State of Nebraska; to provide a duty for the Public Employees Retirement Board as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 566.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Department of Insurance; to provide for notice to the Legislature of application for waiver from certain federal requirements as prescribed.

**LEGISLATIVE BILL 567.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Prescription Drug Cost Transparency Act.

**LEGISLATIVE BILL 568.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1054, Revised Statutes Cumulative Supplement, 2018; to provide for mental health first aid training; to change provisions relating to the use of lottery funds; to change provisions relating to innovation grants as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 569.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to health care benefits; to adopt the Out-of-Network Consumer Protection, Transparency, and Accountability Act.

**LEGISLATIVE BILL 570.** Introduced by Walz, 15; Howard, 9; Wishart, 27.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 81-6,121 and 81-6,122, Revised Statutes Cumulative Supplement, 2018; to restate legislative intent; to change membership of an advisory committee within the Department of Health and Human Services; to provide powers and duties; to require reports; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 571.** Introduced by Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to provide for a data base of grievance review procedures as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 572.** Introduced by Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the office of Public Counsel; to amend section 81-8,244, Revised Statutes Cumulative Supplement, 2018; to provide authority for the deputy public counsel over assisted-living facilities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 573.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4306, Reissue Revised Statutes of Nebraska; to change provisions relating to risk management pool agreements; and to repeal the original section.

**LEGISLATIVE BILL 574.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-2105, Reissue Revised Statutes of Nebraska; to change a provision relating to regular meetings of the board of directors of a metropolitan utilities district; and to repeal the original section.

**LEGISLATIVE BILL 575.** Introduced by Brewer, 43; Gragert, 40.

A BILL FOR AN ACT relating to school districts; to require policies relating to the provision of routine directory information and access to students by military recruiters as prescribed.

**LEGISLATIVE BILL 576.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to emergency responders; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding causes of death or disability of firefighters and firefighter-paramedics as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 577.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend section 48-2906, Reissue Revised Statutes of Nebraska, and section 48-2907, Revised Statutes Cumulative Supplement, 2018; to provide for expediting investigations under the act; to authorize the Commissioner of Labor to cause contractors to cease performance of services for a violation of the act; and to repeal the original sections.

**LEGISLATIVE BILL 578.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to redistricting; to provide for venue of legal proceedings challenging laws regarding redistricting; and to provide procedures.

**LEGISLATIVE BILL 579.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,118.06, Revised Statutes Cumulative Supplement, 2018; to authorize the issuance of ignition interlock permits to persons who proximately caused serious bodily injury while driving under the influence of alcoholic liquor or drugs; and to repeal the original section.

**LEGISLATIVE BILL 580.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2042 and 13-2042.01, Reissue Revised Statutes of Nebraska; to change a landfill disposal fee; to change provisions relating to a rebate to a municipality or a county; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 581.** Introduced by Albrecht, 17; Linehan, 39.

A BILL FOR AN ACT relating to budgets; to amend section 84-304.01, Reissue Revised Statutes of Nebraska, and section 13-504, Revised Statutes Cumulative Supplement, 2018; to require the use of generally accepted accounting principles in preparing budgets; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 582.** Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.03, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a stolen firearm; and to repeal the original section.

**LEGISLATIVE BILL 583.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to

amend sections 39-2808, 39-2809, 39-2810, 39-2811, 39-2813, 39-2814, 39-2815, 39-2816, 39-2817, 39-2818, 39-2819, 39-2820, 39-2821, 39-2822, 39-2823, and 39-2824, Reissue Revised Statutes of Nebraska, and section 39-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide powers for counties and joint entities as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 584.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.13 and 53-124.13, Reissue Revised Statutes of Nebraska, and sections 53-123.11, 53-123.13, and 53-124.11, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to farm wineries; to provide for a festival special designated license; to provide for a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 585.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to renewable fuels; to amend section 81-1602, Revised Statutes Cumulative Supplement, 2018; to create the Renewable Fuel Infrastructure Program; to create a fund; to provide for grants; to state intent regarding funding; to eliminate an exemption to sales tax imposed on currency and bullion; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal section 77-2704.66, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 586.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 22; to change an appropriation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 587.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide for transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 588.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Cumulative Supplement, 2018; to change the local effort rate; to repeal the original section; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 12CA.** Introduced by Vargas, 7; Brandt, 32; Cavanaugh, 6; Clements, 2; DeBoer, 10; Dorn, 30; Erdman, 47; Groene, 42; Halloran, 33; Hansen, M., 26; Hunt, 8; Wishart, 27.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

Each member of the Legislature shall receive an annual salary of not to exceed one thousand dollars per month during the term of his or her office equal to fifty percent of the median household income for the State of Nebraska as defined by the most recent report of such income published by the United States Bureau of the Census prior to the first Wednesday after the first Monday of January in each odd-numbered year. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the annual salary of members of the Legislature to fifty percent of the most recent report of the median household income for the State of Nebraska as published by the United States Bureau of the Census prior to January of odd-numbered years.

For

Against.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, January 29, 2019 1:30 p.m.

Linda Poole - Technical Advisory Committee for Statewide Assessment  
Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment  
Robert Henson - Technical Advisory Committee for Statewide Assessment  
LB399  
LB256

(Signed) Mike Groene, Chairperson

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

Senator Blood filed the following motion to LB14:

MO3

Withdraw bill.

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

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

Senator Hunt name added to LB7.

Senator Hunt name added to LB58.

Senator Hunt name added to LB207.

Senator Gragert name added to LB291.

Senator Brewer name added to LB450.

Senator Gragert name added to LR7.

**VISITOR(S)**

Visitors to the Chamber were Jake Sundquist from Lincoln; Alice Hunt Homan, daughter of Senator Hunt, from Omaha; and members of the Nebraska State Volunteer Firefighters Association and members of the Nebraska Fire Chiefs Association.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator McCollister, the Legislature adjourned until 10:00 a.m., Wednesday, January 23, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - JANUARY 23, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 23, 2019

**PRAYER**

The prayer was offered by Reverend Michelle LaGrave, First Unitarian Church of Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB406	Government, Military and Veterans Affairs
LB407	Banking, Commerce and Insurance
LB408	Business and Labor
LB409	Urban Affairs
LB410	Revenue
LB411	Government, Military and Veterans Affairs
LB412	Government, Military and Veterans Affairs
LB413	Revenue
LB414	Government, Military and Veterans Affairs
LB415	Government, Military and Veterans Affairs
LB416	Education
LB417	Revenue
LB418	Business and Labor
LB419	Revenue
LB420	Revenue
LB421	Judiciary

LB422	Health and Human Services
LB423	Health and Human Services
LB424	Urban Affairs
LB425	Appropriations
LB426	Judiciary
LB427	Judiciary
LB428	Business and Labor
LB429	Revenue
LB430	Education
LB431	Education
LB432	Education
LB433	Judiciary
LB434	Judiciary
LB435	Judiciary
LB436	Government, Military and Veterans Affairs
LB437	Revenue
LB438	Judiciary
LB439	Health and Human Services
LB440	Revenue
LB441	Revenue
LB442	Banking, Commerce and Insurance
LB443	Judiciary
LB444	Revenue
LB445	Urban Affairs
LB446	Appropriations
LB447	Government, Military and Veterans Affairs
LB448	Business and Labor
LB449	Health and Human Services
LB450	Government, Military and Veterans Affairs
LB451	Government, Military and Veterans Affairs
LB452	Government, Military and Veterans Affairs
LB453	Banking, Commerce and Insurance
LB454	Banking, Commerce and Insurance
LB455	Judiciary
LB456	Revenue
LB457	Judiciary
LB458	Judiciary
LB459	Health and Human Services
LB460	Health and Human Services
LB461	Transportation and Telecommunications
LB462	Transportation and Telecommunications
LB463	Revenue
LB464	Business and Labor
LB465	Business and Labor
LB466	Executive Board
LB467	Executive Board
LB468	Health and Human Services
LB469	Banking, Commerce and Insurance
LB470	Revenue

LB471      Judiciary  
 LB472      Revenue  
 LB473      Revenue  
 LB474      Judiciary  
 LB475      Judiciary  
 LB476      Urban Affairs  
 LB477      Revenue  
 LB478      Judiciary

(Signed) Mike Hilgers, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services

Room 1510

Wednesday, January 30, 2019 1:30 p.m.

LB25  
 LB37

(Signed) Sara Howard, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 589.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public safety; to prohibit peace officers from serving or working as school resource officers as prescribed.

**LEGISLATIVE BILL 590.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to child care; to amend sections 71-1962, 77-3603, and 77-3605, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Early Childhood Professional Record System; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for alcohol impact zones; to provide duties for the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 592.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend section 53-1,104, Revised Statutes Cumulative Supplement, 2018; to provide additional powers to suspend sales of alcoholic liquor; and to repeal the original section.

**LEGISLATIVE BILL 593.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to medical assistance recovery; to amend sections 68-919, 68-989, 68-990, 71-605, and 77-2018.02, Reissue Revised Statutes of Nebraska, and sections 30-2483, 30-3880, 30-3881, 30-3882, and 33-109, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to medical assistance reimbursement claims and liens; to provide for retroactivity; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 594.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-301 and 87-302, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for a deceptive trade practice relating to meat as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 595.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to alternative dispute resolution; to amend sections 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2907, 25-2908, 25-2909, 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918, 25-2919, 25-2920, 25-2921, 25-2943, 33-155, 43-245, 43-246, 43-247.03, 43-247.04, 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, 43-2922, 43-2938, 43-2941, 43-2943, 79-209, and 79-258, Reissue Revised Statutes of Nebraska, and sections 34-112.02, 43-274, 43-286, 43-4203, and 79-2104, Revised Statutes Cumulative Supplement, 2018; to rename the Dispute Resolution Act, a council, a director, an office, and a fund; to restate legislative findings; to define and redefine terms; to change provisions relating to the qualifications of the Director of the Office of Restorative Justice and Dispute Resolution, the membership of the Advisory Council on Restorative Justice and Dispute Resolution, and the office's and director's duties; to create the position of Deputy Director for Restorative Justice and provide duties for such deputy; to change provisions relating to approved centers, cases accepted for restorative justice and dispute resolution, and qualifications of mediators and restorative justice facilitators; to provide a privilege for communications made in restorative justice as prescribed; to provide for immunity and reparation plan agreements; to change provisions relating to tolling of statutes of limitations, an annual report, and legislative intent regarding a fund; to provide for restorative justice in juvenile cases as prescribed; to

authorize referrals to restorative justice practices or services for compulsory attendance collaborative plans and under the Student Discipline Act; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 596.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,240, Reissue Revised Statutes of Nebraska, and sections 81-8,241, 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement, 2018; to adopt the Office of Inspector General of Nebraska Public Health Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to require reporting of incidents and implementation of policies as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 598.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 28-376, Reissue Revised Statutes of Nebraska; to provide access to the Adult Protective Services Central Registry as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 599.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-3110, Reissue Revised Statutes of Nebraska; to provide access to data of the Division of Children and Family Services of the Department of Health and Human Services as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 600.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the authority of the deputy public counsel for institutions; and to repeal the original section.

**LEGISLATIVE BILL 601.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change a property tax exemption relating to educational, religious, charitable, and cemetery organizations; and to repeal the original section.

**LEGISLATIVE BILL 602.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to relating to insurance; to amend section 44-224.04, Revised Statutes Cumulative Supplement, 2018; to adopt the Domestic Stock Insurance Company Division Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 603.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to automatic teller machine fees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 604.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to workforce development; to authorize High-Wage Jobs and Capital Investment Creation Fund entities; to define terms; to provide grants, loans, and economic assistance to such entities; to create a fund; and to provide duties for the Director of Economic Development and State Treasurer.

**LEGISLATIVE BILL 605.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Renewable Chemical Production Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 606.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to natural resources districts; to provide for water augmentation projects and retention of water rights as prescribed; and to provide a duty for the Revisor of Statutes.

#### **MOTION - Adopt Permanent Rules**

Senator Crawford renewed her motion, found on page 259, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene offered the following proposed rules change:

##### **Rule 3**

**Sec. 8. Chairperson, Vice Chairperson.** (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ viva voce on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the

Executive Board. All votes for chairperson of a special committee shall be viva voce.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 607.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1008, 38-1033, 38-1035, 38-1037, 38-1040, 38-1041, 38-1044, 38-1053, 38-1054, 38-1055, 38-1060, 38-1064, 38-10,167, and 38-10,169, Reissue Revised Statutes of Nebraska, and sections 38-1001, 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069, 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to change provisions relating to permanent color technology and licensure by examination; to provide for registration of a guest body artist and licensure of a temporary body art facility and a nail technology apprentice salon; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 608.** Introduced by La Grone, 49; Hansen, M., 26.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-221, 32-223, 32-230, 32-231, 32-236, 32-816, 32-901, 32-903, 32-910, 32-916, 32-1010, 32-1012, 32-1013, and 32-1041, Reissue Revised Statutes of Nebraska; to prohibit use of and eliminate references to electronic voting systems; to authorize use of precinct-based optical scanners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 609.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to county and local government; to amend sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska, and section 13-2203, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement of mileage and travel expenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 610.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the College Savings Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 611.** Introduced by Brandt, 32; Brewer, 43; Cavanaugh, 6; DeBoer, 10; Erdman, 47; Gragert, 40; Groene, 42; Hansen, M., 26; Kolowski, 31; McDonnell, 5; Morfeld, 46; Quick, 35; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

**LEGISLATIVE BILL 612.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to highways; to amend section 39-201.01, Reissue Revised Statutes of Nebraska, and sections 39-202 and 39-206, Revised Statutes Cumulative Supplement, 2018; to authorize the display of signs along roadways memorializing persons killed on Nebraska roadways as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 613.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-2912, and 77-5208, Reissue Revised Statutes of Nebraska, and section 81-12,146, Revised Statutes Cumulative Supplement, 2018; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Beginning Farmer Tax Credit Act; to state intent relating to appropriations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 614.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-693, 77-801, 77-1238, 77-1248, 77-2602, 77-2704.24, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2734.01, 79-1142, and 79-1145, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1001, 79-1003, 79-1005.01, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to increase an alcohol tax; to eliminate exemptions provided under the Personal Property Tax Relief Act; to increase the cigarette tax; to impose sales and use taxes on candy, soft drinks, and bottled water; to increase the earned income tax credit; to change provisions relating to certain extraordinary dividends and capital gains, certain small business corporation and limited liability company income, and itemized deductions; to provide for supplemental state aid, a property tax relief allowance, and increased allocated income tax funds under the Tax Equity and Educational Opportunities Support Act; to change provisions relating to reimbursement for special education; to require budget summaries as prescribed; to provide operative dates; to repeal the original

sections; and to declare an emergency.

**LEGISLATIVE BILL 615.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Tax Rate Review Committee; to reduce income tax rates as prescribed; to provide for certain transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 616.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 39-1348, 39-2801, 39-2808, 39-2809, 39-2816, 39-2819, 39-2822, 39-2823, 73-101, 73-307, and 81-1102, Reissue Revised Statutes of Nebraska, and sections 39-2802 and 81-1701, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 617.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101, 86-103, 86-123, 86-124, 86-143, and 86-144, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to quality and rate regulation, nonregulated activities, local competition determination, and rate-list filing requirements; to eliminate rate-review provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 618.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to define electioneering; to change and eliminate prohibited activities near polling places; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to insurance; to require coverage for mental health services delivered in a school or other educational setting as prescribed.

**LEGISLATIVE BILL 620.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to provide for enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original section.

**LEGISLATIVE BILL 621.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to solar energy; to amend sections 66-901, 66-913, and 66-914, Reissue Revised Statutes of Nebraska; to restate findings; to change provisions relating to considerations for zoning regulations, ordinances, and comprehensive development plans; to prohibit certain restrictions relating to solar energy collection and use; to provide a cause of action; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 622.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2386, 77-2387, 77-2388, 77-2392, 77-2394, 77-2395, 77-2396, 77-2397, 77-2398, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to securing deposits, setting deposit guaranty bond and securities values, designating duties, and default procedures; to provide for pooled collateral; to provide powers and duties for the Director of Banking and Finance; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 623.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 624.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Craft Brewery Board; to amend section 53-502, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to terms of office; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

**LEGISLATIVE BILL 626.** Introduced by Pansing Brooks, 28; Brewer, 43; Crawford, 45; Gragert, 40; Linehan, 39.

A BILL FOR AN ACT relating to veterans; to amend section 55-601, Revised Statutes Cumulative Supplement, 2018; to provide for the position of veterans' workforce development coordinator in the Department of Labor; to provide duties; to change provisions relating to the Commission on Military and Veteran Affairs; and to repeal the original section.

**LEGISLATIVE BILL 627.** Introduced by Pansing Brooks, 28; Hunt, 8; McCollister, 20; Morfeld, 46.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1113, 48-1115, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 48-628.13, 48-1111, 48-1117, and 48-1119, Revised Statutes Cumulative Supplement, 2018; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to increase the earned income tax credit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 629.** Introduced by Pansing Brooks, 28; Hansen, M., 26; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require conditions for certain grant funding; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 630.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.08, 28-367.01, 28-813.01, 28-1463.03, and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to change elements of, penalty provisions for, and defenses to offenses involving unlawful intrusion and sexually explicit conduct; to create the offense of sexual extortion; to define and redefine terms; to change applicability of certain provisions of and provide for a registrable offense under the Sex Offender Registration Act; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 631.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section

1, Initiative Law 2018, No. 427, and section 2, Initiative Law 2018, No. 427; to state intent; to create the Medicaid Expansion Implementation Task Force; to provide powers and duties; to provide a termination date; and to repeal the original section.

**LEGISLATIVE BILL 632.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to regulation of water; to amend section 46-1011, Reissue Revised Statutes of Nebraska; to clarify a statutory reference relating to rural water districts; and to repeal the original section.

**LEGISLATIVE BILL 633.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to county government; to amend sections 23-348.01, 23-1503, 23-1513, and 23-1517.02, Reissue Revised Statutes of Nebraska, and section 23-1911, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to real property owner information available to the public; to repeal the original sections; and to outright repeal section 23-3211, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 634.** Introduced by Hilkemann, 4; Blood, 3; Briese, 41; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, B., 16; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Pansing Brooks, 28; Quick, 35; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to school buses; to require three-point safety belt systems as prescribed; and to state intent regarding liability.

**LEGISLATIVE BILL 635.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Liquor Control Commission; and to repeal the original sections.

**LEGISLATIVE BILL 636.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to political subdivisions; to create the Financial Condition of Counties and Municipalities Task Force; and to provide powers and duties.

**LEGISLATIVE BILL 637.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3701, 81-3711, and 81-3728, Revised Statutes Cumulative Supplement, 2018; to provide a duty for the Nebraska Tourism Commission; to authorize sales of tourism promotional products; to change provisions relating to vendor duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 638.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a limit for such transfers; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 639.** Introduced by Stinner, 48; Linehan, 39.

A BILL FOR AN ACT relating to workforce development; to adopt the H3 Careers Scholarship Act.

**LEGISLATIVE BILL 640.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to education; to amend section 79-719, Reissue Revised Statutes of Nebraska; to include studies relative to the Holocaust and other acts of genocide in multicultural education provisions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 641.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-301, 86-302, 86-303, 86-312, and 86-313, Reissue Revised Statutes of Nebraska; to restate intent; to define a term; to provide for grants for a 211 Informational and Referral Network; to change provisions relating to a surcharge and use of a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by McDonnell, 5; Cavanaugh, 6; Wishart, 27.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain Injury Trust Fund Act; to create a fund; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 643.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to emergency response personnel; to amend section 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 644.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to workforce diplomas; to amend section 48-611, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Workforce Diploma Act; to state intent relating to appropriations; and to declare an emergency.

**LEGISLATIVE BILL 645.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 44-32,180, 44-4726, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, 68-986, 68-987, 68-988, and 71-8506, Reissue Revised Statutes of Nebraska; to define and eliminate terms; to change references to intergovernmental transfer program and capitation payments and provide for a certified public expenditure program; to change department duties and powers as prescribed; to decrease an administration fee; to update federal references; to change a provision relating to managed care contracts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 646.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to bail; to amend sections 14-603, 23-1808, 24-519, 25-1023, 25-10,101, 25-2730, 27-1101, 28-311.09, 29-428, 29-506, 29-901.02, 29-901.03, 29-901.04, 29-901.06, 29-902.01, 29-903, 29-904, 29-908, 29-909, 29-1201, 29-1605, 29-1606, 29-1811, 33-117, 42-929, 43-255, 44-3707, and 60-1307, Reissue Revised Statutes of Nebraska, and sections 25-1912, 28-311.11, 29-422, 29-901, 29-901.01, and 43-253, Revised Statutes Cumulative Supplement, 2018; to eliminate cash bail, appearance bonds, and related provisions; to change provisions relating to conditions of release and pretrial release agencies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-901.05, 29-902, 29-905, 29-906, 29-907, 29-1105, 29-1106, 29-1107, 29-1108, 29-1109, 29-1110, and 60-686, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 647.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2018; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 648.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, and sections 18-2101, 18-2115.01, 18-2117.01, 18-2117.04, and 18-2147, Revised Statutes Cumulative Supplement, 2018; to provide requirements for certain redevelopment plans; to change provisions relating to notices, record

retention, and tax-increment financing; to harmonize provisions; and to repeal the original sections.

**MOTION - Adopt Permanent Rules**

Senator Crawford renewed her motion, found on page 259 and in this day's Journal, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene renewed his proposed rules change, found in this day's Journal, to Rule 3, Sec. 8.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 649.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Cannabidiol Pilot Study; to eliminate a termination date; and to outright repeal section 28-469, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 650.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-8,137.05, Revised Statutes Cumulative Supplement, 2018; to adopt the Teach for Nebraska Program Act; to change provisions relating to the Nebraska Education Improvement Fund and the Excellence in Teach Cash Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Community-based Juvenile Services Aid Program; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to funding; and to repeal the original section.

**LEGISLATIVE BILL 652.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2018; to change a penalty for possession as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 653.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public health; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to adopt the Healthy Kids Act; to require tests for lead-based hazards in housing; to require disclosures to buyers and tenants; to provide a duty for the State Real Estate Commission; to provide operative dates; and to repeal the original section.

**LEGISLATIVE BILL 654.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to provide for a type 1 diabetes pilot study; and to repeal the original section.

**LEGISLATIVE BILL 655.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to real property; to amend sections 34-101, 34-102, 34-103, 34-112, 34-112.01, and 34-301, Reissue Revised Statutes of Nebraska, and section 34-112.02, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to division fences and disputed corners and boundaries; and to repeal the original sections.

**LEGISLATIVE BILL 656.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to school funding; to amend sections 43-2515, 70-651.04, 77-913, 77-1736.06, 77-3442, 77-3444, 77-3446, 77-5007, 79-213, 79-236, 79-240, 79-246, 79-266.01, 79-2,127, 79-2,134, 79-498, 79-769, 79-855, 79-856, 79-1007.05, 79-1007.10, 79-1007.15, 79-1007.16, 79-1007.21, 79-1009.01, 79-1021, 79-1025, 79-1031, 79-1103, 79-1125.01, 79-1142, 79-1241.01, 79-2102, 79-2103, and 79-2404, Reissue Revised Statutes of Nebraska, and sections 9-812, 13-508, 48-818.01, 79-101, 79-215, 79-234, 79-235, 79-235.01, 79-237, 79-241, 79-458, 79-479, 79-499, 79-4,123, 79-528, 79-605, 79-611, 79-8,137, 79-8,137.04, 79-8,142, 79-1001, 79-1003, 79-1003.01, 79-1005, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1023, 79-1027, 79-1028.01, 79-1030, 79-1031.01, 79-1065, 79-1065.01, 79-1089, 79-1090, 79-10,143, 79-1108.02, 79-1140, 79-1241.03, 79-1337, 79-2104, and 79-2110, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Education Formula; to change levy limitations for school districts; to change the base limitation rate for school districts; to change procedures to override levy limitations for school districts; to limit the applicability of and terminate the enrollment option program; to limit the applicability of and terminate the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 43-2513, 79-977, 79-1083.01, and 79-2110.01, Reissue Revised Statutes of Nebraska, and sections 79-245, 79-529, 79-1041, 79-1065.02, 79-1073, 79-10,126.01, and 79-10,145, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 657.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to agriculture; to amend section 28-401, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Act; to define and redefine terms under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 658.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1425, Revised Statutes Cumulative Supplement, 2018; to prohibit the executive director of the commission from taking certain disciplinary actions as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 659.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-467, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2018; to define a term; to remove cannabidiol from the definition of marijuana; to remove cannabidiol from the list of controlled substances; to eliminate an affirmative defense to unlawful possession of marijuana; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 660.** Introduced by Brewer, 43; Gragert, 40; Lowe, 37.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-192, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the executive director and chief investigator of the Nebraska Brand Committee; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 661.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, 77-2716.01, 77-2716.03, and 77-27,132, Reissue Revised Statutes of Nebraska; to eliminate an inflation adjustment for income tax brackets; to change provisions relating to personal exemptions, an additional tax liability, and the distribution of certain income tax revenue; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 662.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2018; to provide a termination date; and to repeal the original section.

**LEGISLATIVE BILL 663.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-118, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska adjusted basis; and to repeal the original section.

**LEGISLATIVE BILL 664.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2716, Reissue Revised Statutes of Nebraska; to provide for certain income tax deductions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 665.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-109, 39-101, 60-121, 60-337, 60-478, 60-636, 60-676, 60-678, 60-6,142, 60-6,241, 60-6,351, 60-6,375, and 60-6,377, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-123, 60-301, 60-339, 60-471, 60-4,182, 60-501, 60-601, 60-638, 60-639, 60-640, 60-680, 60-6,133, 60-6,144, 60-6,226, 60-6,349, and 60-6,376, Revised Statutes Cumulative Supplement, 2018; to authorize the use of electric foot scooters as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide regulatory powers to local authorities; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 666.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; and to repeal the original section.

**LEGISLATIVE BILL 667.** Introduced by Vargas, 7; McDonnell, 5.

A BILL FOR AN ACT relating to employment training; to adopt the Youth Opportunities in Learning and Occupations Act.

**LEGISLATIVE BILL 668.** Introduced by Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to teachers; to adopt the Alternative Certification for Quality Teachers Act.

**LEGISLATIVE BILL 669.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.

**LEGISLATIVE BILL 670.** Introduced by Linehan, 39; Albrecht, 17; Halloran, 33; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to provide for sparsity aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 672.** Introduced by Clements, 2; Halloran, 33.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-387, Reissue Revised Statutes of Nebraska; to change provisions relating to proof of financial responsibility; and to repeal the original section.

**LEGISLATIVE BILL 673.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.

**LEGISLATIVE BILL 674.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska; to change the base limitation for school districts; and to repeal the original section.

**LEGISLATIVE BILL 675.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to education; to amend sections 79-515, 79-807, 79-1110, 79-1113, 79-1115, 79-1115.01, 79-1117, 79-1119, 79-1119.01, 79-1122, 79-1124, 79-1125.01, 79-1126, 79-1127, 79-1128, 79-1129, 79-1130, 79-1132, 79-1135, 79-1136, 79-1138, 79-1139, 79-1142, 79-1145, 79-1147, 79-1148, 79-1149, 79-1154, 79-1155, 79-1156, 79-1157, 79-1158, 79-1159, 79-1159.01, 79-1160, 79-1161, 79-1162, 79-1163, 79-1164, 79-1167, 79-1302, 79-1304, 79-2202, 83-121, and 83-1225, Reissue Revised Statutes of Nebraska, and sections 79-318, 79-1003, 79-1005.01, 79-1007.07, 79-1007.09, 79-1008.01, 79-1017.01, 79-1022, and 79-1144, Revised Statutes Cumulative Supplement, 2018; to change the authorized length for specified contracts; to change reporting requirements as prescribed; to define and redefine terms; to change provisions of the Tax Equity and Educational Opportunities Support Act; to clarify state aid

calculations; to change provisions relating to the certification and distribution of state aid; to change provisions of the Special Education Act as prescribed; to eliminate obsolete provisions relating to special education; to adopt updated federal laws and regulations; to change grant provisions as prescribed; to change duties as prescribed; to change distance education and technology terminology; to eliminate a reporting requirement, expired state aid provisions, residential care placement requirements, special education waiver provisions, an outdated duty regarding the Education Innovation Fund, and funding provisions for the Interstate Compact on Educational Opportunity for Military Children; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-527, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-1028.03, 79-1152, 79-1153, 79-1188, and 79-2206, Reissue Revised Statutes of Nebraska, and section 79-1008.02, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 676.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to school districts; to amend sections 77-27,119, 79-421, 79-432, 79-433, 79-435, 79-436, 79-439, 79-441, 79-442, 79-444, 79-445, 79-446, 79-448, 79-449, 79-450, 79-480, 79-613, 79-848, 79-1074, 79-10,119, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 79-413, 79-443, 79-447, 79-451, 79-479, 79-499, 79-4,119, 79-611, 79-850, 79-1003, 79-1007.11, 79-1065.02, 79-1075, and 79-10,145, Revised Statutes Cumulative Supplement, 2018; to change provisions and terminology relating to school districts and the reorganization of school districts as prescribed; to change the membership and provisions relating to the State Committee for the Reorganization of School Districts; to define and redefine terms; to change terminology relating to student transportation; to eliminate obsolete provisions relating to the Tax Equity and Educational Opportunities Support Act; to eliminate provisions relating to the reorganization of school districts, depopulated school districts, and contracting for instruction as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-414, 79-422, 79-471, and 79-498, Reissue Revised Statutes of Nebraska, and sections 79-415, 79-418, 79-419, 79-420, 79-434, 79-470, and 79-598, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 677.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-4209, 77-4210, and 77-4212, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Property Tax Credit Act; to provide for school district property tax relief; to change the levy limitations for school districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 678.** Introduced by Vargas, 7; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to create a fund; and to provide duties for the Department of Environmental Quality.

**LEGISLATIVE BILL 679.** Introduced by DeBoer, 10; Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

**LEGISLATIVE BILL 680.** Introduced by DeBoer, 10; Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to privacy; to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; to provide for applicability and construction; and to provide severability.

**LEGISLATIVE BILL 681.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-406 and 50-407, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to legislative subpoenas; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-103, and 53-160, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for taxing spirits by proof gallon; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 683.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan for terminated members to receive a lump sum payment in lieu of the deferred retirement allowance under the Class V School Employees Retirement Act; to require a report; to provide duties for the Public Employees Retirement Board; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 684.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2268, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to sentences of post-release supervision for Class IV felonies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 685.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to prohibit denying or delaying a remedy by due course of law as prescribed.

**LEGISLATIVE BILL 686.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Correctional System Overcrowding Emergency Act; to amend section 83-961, Reissue Revised Statutes of Nebraska, and section 83-962, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to change provisions relating to declarations of correctional system overcrowding emergencies; to provide a duty for the Governor; and to repeal the original sections.

**LEGISLATIVE BILL 687.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-307, 32-308, 32-315, 32-1002, 32-1506, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-312, 60-484, 60-484.02, 60-4,130, and 60-4,144, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to registering to vote; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 688.** Introduced by Cavanaugh, 6; Blood, 3; Dorn, 30; Geist, 25; Howard, 9; Hunt, 8; Kolterman, 24; Linehan, 39; McDonnell, 5; Murman, 38; Slama, 1; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 85-1806, Reissue Revised Statutes of Nebraska; to provide for contributions to the Nebraska educational savings plan trust from income tax refunds as prescribed; to provide powers and duties for the Tax Commissioner and State Treasurer; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 689.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to real estate; to amend sections 20-317, 20-318, 20-320, 20-321, and 76-1495, Reissue Revised Statutes of Nebraska; to prohibit discrimination by a seller or landlord on the basis of sexual orientation, gender identity, and citizenship status in any real estate transaction or lease; and to repeal the original sections.

**LEGISLATIVE BILL 690.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to treatment and corrections; to adopt the Healthy Pregnancies for Incarcerated Women Act.

**LEGISLATIVE BILL 691.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Ornate Box Turtle Conservation Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 692.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-607, Reissue Revised Statutes of Nebraska; to change provisions relating to commemorative certificates for nonviable birth as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 693.** Introduced by Halloran, 33; Albrecht, 17; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; Gragert, 40; Hansen, B., 16; Hilkemann, 4; Kolowski, 31; Kolterman, 24; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to telecommunications; to prohibit the selling, renting, or conveying of telephone numbers as prescribed; to Adopt the Neighbor Spoofing Protection Act; and to provide a civil penalty.

**LEGISLATIVE BILL 694.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend section 58-707, Reissue Revised Statutes of Nebraska; to change requirements relating to matching funds; and to repeal the original section.

**LEGISLATIVE BILL 695.** Introduced by Groene, 42; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Geist, 25; Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-3446, 77-4209, 77-4212, and 79-1025, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change levy limits as prescribed; to change the base limitation rate as prescribed; to change the use of funds under the Property Tax Credit Act as prescribed; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to define and redefine terms; to provide for the calculation of an inflation rate; to terminate allocated income tax funds as prescribed; to provide for foundation aid; to terminate the averaging adjustment as prescribed; to change net option funding as prescribed; to change provisions relating to the local effort rate and local effort rate yield as prescribed; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations, and duties of the

Appropriations Committee of the Legislature as prescribed; to harmonize provisions; to eliminate obsolete provisions relating to the minimum levy adjustment; to repeal the original sections; to outright repeal section 79-1008.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

**LEGISLATIVE BILL 696.** Introduced by Bostelman, 23; Blood, 3; Brewer, 43; Gragert, 40; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,122.03, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Military Honor Plates; and to repeal the original section.

**LEGISLATIVE BILL 697.** Introduced by Bostelman, 23; Briese, 41; Gragert, 40; Halloran, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,102, Reissue Revised Statutes of Nebraska, and sections 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to fees for Pearl Harbor plates, Gold Star Family plates, Military Honor plates, prisoner-of-war plates, disabled veteran plates, and Purple Heart plates; and to repeal the original sections.

**LEGISLATIVE BILL 698.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to change load provisions and penalties for commercial motor vehicles and commercial trailers; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 699.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-378, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to transporter plates; and to repeal the original section.

**LEGISLATIVE BILL 700.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901, 66-902, and 72-272, Reissue Revised Statutes of Nebraska; to provide decommissioning and reclamation requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 701.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice

Act; to amend section 38-1201, Revised Statutes Cumulative Supplement, 2018; to require transmission of a request for payment; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 702.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to education; to adopt the Campus Safety Act.

**LEGISLATIVE BILL 703.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

**LEGISLATIVE BILL 704.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to state government; to state findings and intent; to define a term; to provide requirements regarding energy purchases for state-owned buildings; to initiate a request for proposals for renewable energy; to provide for a study relating to state vehicles; to require reports; and to declare an emergency.

**LEGISLATIVE BILL 705.** Introduced by Murman, 38.

A BILL FOR AN ACT relating to the achieving a better life experience program; to amend section 77-1403, Reissue Revised Statutes of Nebraska; to provide for distribution of accounts upon death; and to repeal the original section.

**LEGISLATIVE BILL 706.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-9,103, Revised Statutes Cumulative Supplement, 2018; to authorize a freeze of cost-of-living adjustments for one year as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 707.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5015.02, Reissue Revised Statutes of Nebraska; to authorize the commission to hold certain hearings by videoconference and telephone conference; and to repeal the original section.

**LEGISLATIVE BILL 708.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Partition of Heirs Property Act; and to provide for applicability and construction.

**LEGISLATIVE BILL 709.** Introduced by Cavanaugh, 6; Albrecht, 17; Blood, 3; Bolz, 29; Crawford, 45; DeBoer, 10; Geist, 25; Howard, 9; Hunt, 8; Linehan, 39; Slama, 1; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2201, Reissue Revised Statutes of Nebraska; to provide for a place to express breast milk in the State Capitol; and to repeal the original section.

**LEGISLATIVE BILL 710.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 28-1429.03, 71-801, 71-7611, 77-2601, 77-2602, 77-4001, 77-4007, and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of tobacco under the Nebraska Criminal Code; to increase and change tobacco taxes as prescribed; to provide for and change the distribution of certain funds; to create a fund and provide for its use; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 711.** Introduced by Cavanaugh, 6; Chambers, 11.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to voting qualifications for any person convicted of a felony; and to repeal the original sections.

**LEGISLATIVE BILL 712.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to government; to amend sections 13-801 and 13-2501, Reissue Revised Statutes of Nebraska; to prohibit joint entities formed under the Interlocal Cooperation Act and joint public agencies formed under the Joint Public Agency Act from taking action against members or representatives for engaging in free speech as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 713.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for the Legislative Fiscal Analyst; and to repeal the original section.

**LEGISLATIVE BILL 714.** Introduced by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to job training; to amend section 77-2756, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Industrial New

Job-training Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 715.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for a medicaid research center.

**LEGISLATIVE BILL 716.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to public health; to amend section 81-666, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to create the Medicaid Cost and Quality Data and Analysis Center of Nebraska; to provide duties relating to funding; to provide for an approved researcher; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 717.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 73-501, 73-502, and 73-506, Reissue Revised Statutes of Nebraska; to restate intent; to redefine a term; to provide requirements for use of computers under certain contracts as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 718.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Revised Statutes Cumulative Supplement, 2018; to provide for additional polling places prior to an election in certain counties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 719.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title Act; to amend section 60-169, Revised Statutes Cumulative Supplement, 2018; to require the reporting of certain information related to certificates of title; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Kolterman, 24; Albrecht, 17; Arch, 14; Geist, 25; Halloran, 33; Hilgers, 21; Hilkemann, 4; Hunt, 8; Kolowski, 31; La Grone, 49; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1344, 77-202, 77-1229, 77-2711, 77-27,119, 77-27,144, 77-5725, 77-5905, and 81-125, Reissue Revised Statutes of Nebraska, and sections 18-2119, 18-2710.03, 49-801.01, 50-1209, 84-602.03, and 84-612, Revised Statutes Cumulative Supplement, 2018; to adopt the ImagiNE Nebraska

Act; to change provisions relating to sales and use tax refunds; to stop accepting applications under the Nebraska Advantage Act; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**MOTION - Adopt Permanent Rules**

Senator Crawford renewed her motion, found on page 259 and in this day's Journal, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene renewed his proposed rules change, found in this day's Journal, to Rule 3, Sec. 8.

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

Senator Groene requested a roll call vote on the proposed rules change.

Voting in the affirmative, 22:

Albrecht	Clements	Groene	Lindstrom	Scheer
Arch	Erdman	Halloran	Linehan	Slama
Bostelman	Friesen	Hansen, B.	Lowe	
Brewer	Geist	Hilgers	Moser	
Briese	Gragert	La Grone	Murman	

Voting in the negative, 25:

Blood	Crawford	Howard	Lathrop	Vargas
Bolz	DeBoer	Hughes	McDonnell	Walz
Brandt	Dorn	Hunt	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	Kolowski	Quick	Williams
Chambers	Hilkemann	Kolterman	Stinner	Wishart

Excused and not voting, 2:

McCollister Morfeld

The Groene proposed rules change lost with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the call raised.

The Crawford motion to adopt permanent rules, as amended, prevailed with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 721.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to firefighters; to amend section 16-1031, Reissue Revised Statutes of Nebraska; to provide for eligibility for group health insurance or other insurance coverage to disabled firefighters and surviving spouses and dependents of deceased firefighters as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 722.** Introduced by Albrecht, 17; Clements, 2.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-607 and 9-649, Reissue Revised Statutes of Nebraska, and sections 9-601 and 9-603, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to authorize seizure of gray devices; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 723.** Introduced by Vargas, 7; Blood, 3; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Revised Statutes Cumulative Supplement, 2018; to change taxes on manufacturers and wholesalers; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 724.** Introduced by Vargas, 7; Cavanaugh, 6; Pansing Brooks, 28; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5731, Reissue Revised Statutes of Nebraska; to state findings; to provide requirements for boards of directors in order to qualify for incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 725.** Introduced by Walz, 15; Cavanaugh, 6; Crawford, 45; Kolowski, 31; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Wishart, 27.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.13 and 79-1018.01, Revised Statutes Cumulative Supplement, 2018; to state findings; to provide for reimbursements for mental health expenditures; to state intent for appropriations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 726.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427, and section 2, Initiative Law 2018, No. 427; to require a protocol for individuals eligible for medical parole; and to repeal the original section.

**LEGISLATIVE BILL 727.** Introduced by Walz, 15; Hilkemann, 4; Kolowski, 31; Linehan, 39; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to schools; to provide duties for school districts, the State Department of Education, and the Department of Health and Human Services with respect to mental health services.

**LEGISLATIVE BILL 728.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to provide duties for the State Department of Education and school districts relating to school meals as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 729.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to agriculture; to adopt the Soil Health and Productivity Incentive Act; and to provide an operative date.

**LEGISLATIVE BILL 730.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to advanced practice registered nurses; to amend sections 38-201, 38-203, 38-205, 38-206, 38-207, 38-209, 38-210, 38-212, 38-606, 38-611, 38-613, 38-617, 38-704, 38-706, 38-710, 38-711, 38-905, 38-906, 38-910, 38-1915, 38-2214, 38-2303, 38-2304, 38-2308, 38-2309, 38-2311, 38-2312, 38-2314, 38-2315, 38-2319, 38-2320, 38-2321, 38-2323, 38-2324, 38-3214, and 38-3215, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-186, 38-208, 38-2025, 38-2216, 38-2305, 38-2314.01, 38-2316, 38-2318, and 38-2322, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate definitions; to provide, change, transfer, and eliminate provisions relating to advanced practice registered nurses; to eliminate the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 38-601, 38-602, 38-603, 38-604, 38-605, 38-607, 38-608, 38-609, 38-610, 38-612, 38-614, 38-616, 38-618, 38-701, 38-702, 38-703, 38-705, 38-707, 38-709, 38-901, 38-902, 38-903, 38-904, 38-907, 38-908, 38-909, 38-2301, 38-2302, 38-2306, 38-2307, and 38-2313, Reissue Revised Statutes of Nebraska, and sections 38-615, 38-708, and 38-2317, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 731.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to new or updated comprehensive plans; and to repeal the original sections.

**LEGISLATIVE BILL 732.** Introduced by Vargas, 7; Blood, 3.

A BILL FOR AN ACT relating to food; to amend section 81-2,270, Revised Statutes Cumulative Supplement, 2018; to adopt the Mobile Food Unit Act; to change provisions relating to fees; and to repeal the original section.

**LEGISLATIVE BILL 733.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-904 and 32-907, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2018; to provide and change requirements for polling places; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 734.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control act; to amend sections 53-101, 53-117, 53-117.07, 53-123, 53-124, 53-124.01, 53-125, and 53-130, Revised Statutes Cumulative Supplement, 2018; to provide for licensure for charter bus services; to provide for procedures and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 735.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide a duty.

**LEGISLATIVE BILL 736.** Introduced by Murman, 38; Halloran, 33.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-1208 and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 14-109, 15-203, 16-205, and 17-525, Revised Statutes Cumulative Supplement, 2018; to provide restrictions on occupation taxes, license fees, and regulation as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 737.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend section 58-711, Revised Statutes Cumulative Supplement, 2018; to change requirements for an annual status report relating to the Affordable Housing Trust Fund; and to repeal the original section.

**LEGISLATIVE BILL 738.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 739.** Introduced by Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-4,109, 83-4,110, 83-4,111, 83-4,113, 83-4,115, and 83-4,123, Reissue Revised Statutes of Nebraska, and sections 25-3401, 83-170, 83-173.03, 83-4,114, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2018; to name the Adult Institutions Disciplinary Procedures Act; to define terms; to change and eliminate provisions relating to solitary confinement, restrictive housing, and disciplinary segregation; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to provide procedures and requirements for decisions regarding placement in restrictive housing and for appeals of such decisions; to require the Department of Correctional Services to adopt rules and regulations; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 13.** Introduced by Murman, 38; Albrecht, 17; Blood, 3; Briese, 41; Dorn, 30; Gragert, 40; Halloran, 33; Lowe, 37.

WHEREAS, milk is a standardized food, described in 21 C.F.R. part 131.110(a) as the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows; and

WHEREAS, further standards of identity have long been promulgated for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related products under the Federal Food, Drug, and Cosmetic Act and regulations of the federal Food and Drug Administration that require milk or cream as an essential and characteristic element of the product; and

WHEREAS, there has been an emergence and expansion of plant-based products labeled with names that include the names of dairy foods such as milk, cultured milk, and cheese that are often sold in packaging mimicking that of real dairy counterparts and often sold adjacent to the dairy display in retail stores; and

WHEREAS, such milk analog products may not have the same basic nature and characterizing composition as real dairy counterparts and differ in physical properties, nutritional composition, flavor characteristics, and shelf life such that they are not suitable dairy substitutes, and, except for fortified soy beverages, do not meet the recommendation for dairy food group intake in the 2015-2020 Dietary Guidelines for Americans published

by the United States Department of Agriculture and the United States Department of Health and Human Services; and

WHEREAS, consumer demand for such plant-based dairy analog products is in part derived from cultivating consumer perceptions that falsely equate such products compositionally, nutritionally, and functionally with real dairy products by utilization of the term "milk" and other standardized dairy product terms in non-dairy product names; and

WHEREAS, such change in perception is eroding the market distinction and the unique cultural, dietary, historical, and culinary values consumers associate with high-quality dairy products supplied by America's dairy farmers; and

WHEREAS, the Food and Drug Administration has initiated a review of labeling issues associated with the use of milk and other dairy terms with standardized definitions in the names of products that are derived from non-dairy sources in Docket ID FDA-2018-N-3522-0001 and has invited comments regarding how consumers understanding, perception, purchase practices, and consumption of plant-based milk analog products is influenced by the use of milk and other standardized dairy terms when used to identify non-dairy products; and

WHEREAS, the Legislature of North Carolina during its 2018 session became the first state legislature to enact legislation through passage of SB711 which directs the North Carolina Department of Agriculture to prepare regulations and enforcement policies to address mislabeling of plant-based milk analog products as milk and to implement such regulations when at least ten other states pass similar legislation; and

WHEREAS, additional states may consider similar legislation in the absence of clear federal direction and enforcement of identity standards for milk and dairy products.

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

1. That the Legislature urges the appropriate federal agencies of the United States Government responsible for food labeling to:

a. Establish and enforce standards for nomenclature of plant-based imitation milk and dairy food products that are truthful, not misleading, and sufficient to differentiate non-dairy derived beverages and food products from milk and dairy products that conform to the standard of identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;

b. Enforce product labeling and statements of product identity that exclusively reserve the use of the term "milk" and dairy product terms such as "yogurt", "butter", "ice cream", and "cheese" to products derived from real dairy origin that conform to the standards of identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug, and Cosmetic Act; and

c. Ensure certainty and consistency in regulation between traditional dairy milk and other real dairy products from plant-based beverages and other imitation dairy products to avoid market distortion.

2. That a copy of this resolution be sent to President Donald J. Trump, Commissioner of Food and Drugs of the United States Department of Health and Human Services Scott Gottlieb, M.D., United States Secretary of

Agriculture George E. (Sonny) Perdue, III, and to each member of Nebraska's congressional delegation.

Laid over.

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR13 was referred to the Reference Committee.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 14CA.** Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, ~~which taxes shall be at such rate for a period not to exceed fifteen years,~~ on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if more than one-half of the property in the project area is extremely blighted.

For

Against.

**LEGISLATIVE RESOLUTION 15.** Introduced by Pansing Brooks, 28.

WHEREAS, according to the Nebraska Chamber of Commerce and local chambers of commerce across the state, workforce development is the top concern of business leaders today; and

WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled workers.

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

1. That the Executive Board of the Legislative Council appoint a special committee of the Legislature to be known as the Workforce Development Committee of the Legislature. The committee shall consist of ten members of the Legislature appointed by the Executive Board with two members from the Appropriations Committee, two members from the Revenue Committee, two members from the Business and Labor Committee, two members from the Education Committee, and two members from the Government, Military and Veterans Affairs Committee. The committee members shall elect a chairperson and meet at the call of the chairperson. The Executive Board shall provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.

2. The Workforce Development Committee of the Legislature is hereby authorized to study (a) incentives to promote the creation and retention of workers in the state, including, but not limited to, transportation, housing, and civic vitality, (b) initiatives necessary for the recruitment and retention of people in specific communities, including veterans and college graduates, (c) college loan forgiveness as a tool to recruit and retain young people, and (d) the role workforce issues play in incentivizing employers to create and keep jobs in Nebraska. The committee shall issue a report electronically with its findings and recommendations to the Executive Board of the Legislative Council on or before December 31, 2019. The Workforce Development Committee of the Legislature shall terminate on December 31, 2019.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR15 was referred to the Reference Committee.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 12.** Placed on General File.

**LEGISLATIVE BILL 26.** Placed on General File.

**LEGISLATIVE BILL 77.** Placed on General File.

**LEGISLATIVE BILL 49.** Placed on General File with amendment.  
AM9

1 1. On page 3, line 30, strike "and".

2 2. On page 4, line 11, after "conflict" insert "; and

3 (l) Such owners who are natural persons shall actively participate

4 in the firm if such owners are direct owners, or shall actively

5 participate in the partnership, limited liability company, or corporation

6 through which the natural person has beneficial ownership of the firm".

(Signed) Matt Williams, Chairperson

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

Room 1524

Wednesday, January 30, 2019 1:30 p.m.

LB134

LB185

LB250

LB372

(Signed) Lou Ann Linehan, Chairperson

Natural Resources

Room 1525

Wednesday, January 30, 2019 1:30 p.m.

LB302

Thursday, January 31, 2019 1:30 p.m.

LB307

(Signed) Dan Hughes, Chairperson

Judiciary

Warner Chamber

Wednesday, January 30, 2019 1:30 p.m.

LB113  
LB94  
LB233  
LB340  
LB438

Thursday, January 31, 2019 1:30 p.m.

LB17  
LB92  
LB354  
LB388  
LB389

Friday, February 1, 2019 1:30 p.m.

LB206  
LB247  
LB271  
LB318  
LB322

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 30, 2019 1:30 p.m.

LB152  
LB214  
LB223  
LB450

(Signed) Tom Brewer, Chairperson

**VISITOR(S)**

Visitors to the Chamber were members from the Nebraska Cattlemen Young Cattlemen's Group from across the state; Bob and Joyce Forch from Stratton; and former Senator Lee Rupp from Monroe.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Briese, the Legislature adjourned until 10:00 a.m., Thursday, January 24, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**ELEVENTH DAY - JANUARY 24, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 24, 2019

**PRAYER**

The prayer was offered by Reverend Rich Sheridan, Bethel Lutheran Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Walz who was excused; and Senators McCollister and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB479	Judiciary
LB480	Appropriations
LB481	Appropriations
LB482	Revenue
LB483	Revenue
LB484	Judiciary
LB485	Appropriations
LB486	Education
LB487	Business and Labor
LB488	Education
LB489	Health and Human Services
LB490	Judiciary
LB491	Judiciary
LB492	Urban Affairs

LB493	Revenue
LB494	Appropriations
LB495	Education
LB496	Judiciary
LB497	Revenue
LB498	Health and Human Services
LB499	Health and Human Services
LB500	Judiciary
LB501	Banking, Commerce and Insurance
LB502	Judiciary
LB503	Judiciary
LB504	Judiciary
LB505	Government, Military and Veterans Affairs
LB506	Revenue
LB507	Revenue
LB508	Revenue
LB509	Natural Resources
LB510	Judiciary
LB511	Government, Military and Veterans Affairs
LB512	Revenue
LB513	Education
LB514	Judiciary
LB515	Education
LB516	Judiciary
LB517	Judiciary
LB518	Health and Human Services
LB519	Judiciary
LB520	Urban Affairs
LB521	Transportation and Telecommunications
LB522	Government, Military and Veterans Affairs
LB523	Revenue
LB524	Government, Military and Veterans Affairs
LB525	Government, Military and Veterans Affairs
LB526	Business and Labor
LB527	Business and Labor
LB528	Health and Human Services
LB529	Revenue
LB530	Revenue
LB531	Appropriations
LB532	Judiciary
LB533	Judiciary
LB534	Education
LB535	Revenue
LB536	Banking, Commerce and Insurance
LB537	Education
LB538	General Affairs
LB539	Judiciary
LB540	Health and Human Services
LB541	Health and Human Services

LB543 Government, Military and Veterans Affairs  
LB544 Education  
LB545 Revenue  
LB546 Transportation and Telecommunications  
LB547 Education  
LB548 Judiciary  
LB549 Transportation and Telecommunications  
LB550 Transportation and Telecommunications  
LB551 Appropriations  
LB552 Appropriations  
LB553 Judiciary  
LB554 Health and Human Services  
LB555 Health and Human Services  
LB556 Health and Human Services  
LB557 Health and Human Services  
LB558 Appropriations  
LB559 Health and Human Services  
LB560 Revenue  
LB561 Executive Board  
LB562 Appropriations  
LB563 Education  
LB564 Urban Affairs  
LB565 Nebraska Retirement Systems  
LB566 Executive Board  
LB567 Health and Human Services  
LB568 Education  
LB569 Banking, Commerce and Insurance  
LB570 Health and Human Services  
LB571 Health and Human Services  
LB572 Executive Board  
LB573 Banking, Commerce and Insurance  
LB574 Urban Affairs  
LB575 Education  
LB576 Business and Labor  
LB577 Business and Labor  
LB578 Judiciary  
LB580 Natural Resources  
LB581 Government, Military and Veterans Affairs  
LB582 Judiciary  
LB583 Government, Military and Veterans Affairs  
LB584 General Affairs  
LB585 Revenue  
LB586 Appropriations  
LB587 Appropriations  
LB588 Education  
LR12CA Executive Board

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Thursday, January 31, 2019 1:30 p.m.

LB93  
LB219

Thursday, January 31, 2019 1:30 p.m.

LB388 (cancel)  
LB389 (cancel)

(Signed) Steve Lathrop, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR10 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR10.

**GENERAL FILE****LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 3.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**MOTION(S) - Withdraw LB14**

Senator Blood offered her motion, MO3, found on page 279, to withdraw LB14.

The Blood motion to withdraw the bill prevailed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

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

Room 1507

Thursday, January 31, 2019 1:30 p.m.

LB189  
LB373  
LB406  
LB505

(Signed) Tom Brewer, Chairperson

Revenue

Room 1524

Thursday, January 31, 2019 1:30 p.m.

LB18  
LB284  
LB291  
LB512

Revenue

Room 1524

Friday, February 1, 2019 1:30 p.m.

LB222  
LB266  
LB272  
LB288  
LB289  
LB290

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
Urban Affairs

**LEGISLATIVE BILL 67.** Placed on General File.  
**LEGISLATIVE BILL 193.** Placed on General File.  
**LEGISLATIVE BILL 194.** Placed on General File.  
**LEGISLATIVE BILL 196.** Placed on General File.

(Signed) Justin Wayne, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 79.** Placed on General File.

**LEGISLATIVE BILL 82.** Placed on General File.

**LEGISLATIVE BILL 117.** Placed on General File.

**LEGISLATIVE BILL 190.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**ANNOUNCEMENT(S)**

The Rules Committee elected Senator Erdman as Vice Chairperson.

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

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

Senator Crawford name added to LB6.

Senator Crawford name added to LB12.

Senator Cavanaugh name added to LB44.

Senator Hunt name added to LB50.

Senator Blood name added to LB61.

Senator Albrecht name added to LB77.

Senator Crawford name added to LB115.

Senator Crawford name added to LB138.

Senator Cavanaugh name added to LB154.

Senator DeBoer name added to LB154.

Senator Quick name added to LB163.

Senator Cavanaugh name added to LB210.

Senator Briese name added to LB227.

Senator Hunt name added to LB252.

Senator Blood name added to LB323.

Senator Briese name added to LB343.

Senator Morfeld name added to LB424.

Senator Kolowski name added to LB439.

Senator Blood name added to LB439.

Senator Kolterman name added to LB497.

Senator M. Hansen name added to LB573.

Senator Williams name added to LB594.

Senator Briese name added to LB594.

Senator Brandt name added to LB594.

Senator Blood name added to LB611.

Senator Pansing Brooks name added to LB709.

Senator Blood name added to LB715.

Senator Morfeld name added to LB724.

**VISITOR(S)**

Visitors to the Chamber were members Mike McCabe and Tim Anderson from The Council of State Governments; Moriah Locklear from Lincoln; and students and teacher from Beatrice Public Schools.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

**ADJOURNMENT**

At 10:34 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Friday, January 25, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 25, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 25, 2019

**PRAYER**

The prayer was offered by Pastor Scott Krohn, Living Word Lutheran Church, Seward.

**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 McDonnell and Walz who were excused; and Senators Cavanaugh, La Grone, Morfeld, Scheer, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB330	Executive Board (rereferred)
LB542	Revenue
LB579	Judiciary
LB589	Judiciary
LB590	Health and Human Services
LB591	General Affairs
LB592	General Affairs
LB593	Judiciary
LB594	Agriculture
LB595	Judiciary
LB596	Executive Board
LB597	Health and Human Services
LB598	Executive Board

LB599	Executive Board
LB600	Executive Board
LB601	Revenue
LB602	Banking, Commerce and Insurance
LB603	Banking, Commerce and Insurance
LB604	Business and Labor
LB605	Revenue
LB606	Natural Resources
LB607	Health and Human Services
LB608	Government, Military and Veterans Affairs
LB609	Government, Military and Veterans Affairs
LB610	Revenue
LB611	Transportation and Telecommunications
LB612	Transportation and Telecommunications
LB613	Revenue
LB614	Revenue
LB615	Revenue
LB616	Transportation and Telecommunications
LB617	Transportation and Telecommunications
LB618	Government, Military and Veterans Affairs
LB619	Banking, Commerce and Insurance
LB620	Transportation and Telecommunications
LB621	Judiciary
LB622	Banking, Commerce and Insurance
LB623	Revenue
LB624	General Affairs
LB625	Appropriations
LB626	Government, Military and Veterans Affairs
LB627	Judiciary
LB628	Revenue
LB629	Health and Human Services
LB630	Judiciary
LB631	Executive Board
LB632	Natural Resources
LB633	Government, Military and Veterans Affairs
LB634	Transportation and Telecommunications
LB635	General Affairs
LB636	Executive Board
LB637	Government, Military and Veterans Affairs
LB638	Appropriations
LB639	Education
LB640	Education
LB641	Transportation and Telecommunications
LB642	Appropriations
LB643	Judiciary
LB644	Business and Labor
LB645	Health and Human Services
LB646	Judiciary
LB647	Education

LB648	Urban Affairs
LB649	Judiciary
LB650	Education
LB651	Judiciary
LB652	Judiciary
LB653	Health and Human Services
LB654	Health and Human Services
LB655	Agriculture
LB656	Education
LB657	Agriculture
LB658	Judiciary
LB659	Judiciary
LB660	Agriculture
LB661	Revenue
LB662	Education
LB663	Revenue
LB664	Revenue
LB665	Transportation and Telecommunications
LB666	Appropriations
LB667	Business and Labor
LB668	Education
LB669	Appropriations
LB670	Revenue
LB671	Education
LB672	Banking, Commerce and Insurance
LB673	Appropriations
LB674	Education
LB675	Education
LB676	Education
LB677	Revenue
LB678	Appropriations
LB679	Education
LB680	Judiciary
LB681	Executive Board
LB682	General Affairs
LB683	Nebraska Retirement Systems
LB684	Judiciary
LB685	Judiciary
LB686	Judiciary
LB687	Government, Military and Veterans Affairs
LB688	Revenue
LB689	Judiciary
LB690	Judiciary
LB691	Transportation and Telecommunications
LB692	Health and Human Services
LB693	Transportation and Telecommunications
LB694	Appropriations
LB695	Education
LB696	Transportation and Telecommunications

LB697 Transportation and Telecommunications  
LB698 Transportation and Telecommunications  
LB699 Transportation and Telecommunications  
LB700 Natural Resources  
LB701 Health and Human Services  
LB702 Education  
LB703 Appropriations  
LB704 Government, Military and Veterans Affairs  
LB705 Revenue  
LB706 Nebraska Retirement Systems  
LB707 Revenue  
LB708 Judiciary  
LB709 Government, Military and Veterans Affairs  
LB710 Revenue  
LB711 Government, Military and Veterans Affairs  
LB712 Judiciary  
LB713 Executive Board  
LB714 Revenue  
LB715 Appropriations  
LB716 Health and Human Services  
LB717 Government, Military and Veterans Affairs  
LB718 Government, Military and Veterans Affairs  
LB719 Transportation and Telecommunications  
LB720 Revenue  
LB721 Urban Affairs  
LB722 General Affairs  
LB723 General Affairs  
LB724 Revenue  
LB725 Education  
LB726 Health and Human Services  
LB727 Education  
LB728 Education  
LB729 Agriculture  
LB730 Health and Human Services  
LB731 Urban Affairs  
LB732 Agriculture  
LB733 Government, Military and Veterans Affairs  
LB734 General Affairs  
LB735 Health and Human Services  
LB736 Government, Military and Veterans Affairs  
LB737 Appropriations  
LB738 Revenue  
LB739 Judiciary  
LR13 Agriculture  
LR14CA Urban Affairs  
LR15 Executive Board

(Signed) Mike Hilgers, Chairperson  
Executive Board

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 24, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bromm Nielsen & Mines  
Douglas County West Community Schools  
Springfield Platteview Community Schools  
TransparentBusiness, Inc.  
Verizon Communications, Inc.  
Bromm, Curt  
Bromm Nielsen & Mines  
Bromm, Jason  
Bromm Nielsen & Mines  
Goldwater, Barry M.  
Nationwide Mutual Insurance Company  
Jensen Rogert Associates, Inc.  
Impossible Foods, Inc.  
Meckler, Mark  
Convention of States Action  
Nielsen, Coleen J.  
Bromm Nielsen & Mines  
O'Hara Lindsay & Associates, Inc.  
Imagine Nebraska Coalition  
League Association of Risk Management  
Self Storage Association  
Peetz & Company  
Imagine Nebraska Coalition  
Radcliffe, Walter H. of Radcliffe and Associates  
Imagine Nebraska Coalition  
Reece, Marc  
Aetna  
Roque, Matthew  
ProRail Nebraska, Inc.  
Schneider, David  
Convention of States Action  
Smith, Morgan  
Tri-State Generation and Transmission Association  
Weaver, Colin  
Secure Democracy

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**GENERAL FILE**

**LEGISLATIVE BILL 12.** Title read. Considered.

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

**LEGISLATIVE BILL 26.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 77.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 49.** Title read. Considered.

Committee AM9, found on page 316, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 33.** Placed on General File with amendment.

AM4

1 1. Strike original section 4 and insert the following new sections:

2 Sec. 4. Section 79-934, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 79-934 (1) In lieu of the school retirement allowance provided by  
5 section 79-933, any member who is not an employee of a Class V school  
6 district and who becomes eligible to make application for and receive a  
7 school retirement allowance under section 79-931 may receive a formula  
8 annuity retirement allowance if it is greater than the school retirement  
9 allowance provided by section 79-933.

10 (2) Subject to the other provisions of this section, the monthly  
11 formula annuity in the normal form shall be determined by multiplying the  
12 number of years of creditable service for which such member would  
13 otherwise receive the service annuity provided by section 79-933 by (a)  
14 one and one-quarter percent of his or her final average compensation for  
15 a member who has acquired the equivalent of one-half year of service or  
16 more as a school employee under the retirement system following August  
17 24, 1975, (b) one and one-half percent of his or her final average  
18 compensation for a member who has acquired the equivalent of one-half  
19 year of service or more as a school employee under the retirement system

20 following July 17, 1982, (c) one and sixty-five hundredths percent of his  
21 or her final average compensation for a member who has acquired the  
22 equivalent of one-half year of service or more as a school employee under  
23 the retirement system following July 1, 1984, (d) one and seventy-three  
24 hundredths percent of his or her final average compensation for a member  
25 actively employed as a school employee under the retirement system or  
26 under contract with an employer on or after June 5, 1993, (e) one and  
27 eight-tenths percent of his or her final average compensation for a  
1 member who has acquired the equivalent of one-half year of service or  
2 more as a school employee under the retirement system following July 1,  
3 1995, and was employed as a school employee under the retirement system  
4 or under contract with an employer on or after April 10, 1996, (f) one  
5 and nine-tenths percent of his or her final average compensation for a  
6 member who has acquired the equivalent of one-half year of service or  
7 more as a school employee under the retirement system following July 1,  
8 1998, and was employed as a school employee under the retirement system  
9 or under contract with an employer on or after April 29, 1999, (g) two  
10 percent of his or her final average compensation for a member who has  
11 acquired the equivalent of one-half year of service or more as a school  
12 employee under the retirement system following July 1, 2000, who was  
13 employed as a school employee under the retirement system or under  
14 contract with an employer on or after May 2, 2001, and hired prior to  
15 July 1, 2016, and who has not retired prior to May 2, 2001, or (h) two  
16 percent of his or her final average compensation for a member initially  
17 hired on or after July 1, 2016, or a member who has taken a refund or  
18 retirement and is rehired or hired by a separate employer covered by the  
19 retirement system on or after July 1, 2016, and has acquired the  
20 equivalent of five years of service or more as a school employee under  
21 the retirement system or under contract with an employer on or after July  
22 1, 2016. Subdivision (2)(f) of this section shall not apply to a member  
23 who is retired prior to April 29, 1999. Subdivision (2)(g) of this  
24 section shall not apply to a member who is retired prior to May 2, 2001.  
25 (3) If the annuity begins on or after the member's sixty-fifth  
26 birthday, the annuity shall not be reduced.  
27 (4) If the annuity begins prior to the member's sixtieth birthday  
28 and the member has completed thirty-five or more years of creditable  
29 service, the annuity shall be actuarially reduced on the basis of age  
30 sixty-five.  
31 (5)(a) For a member who has acquired the equivalent of one-half year  
1 of creditable service or more as a school employee under the retirement  
2 system following July 1, 1997, and who was a school employee on or after  
3 March 4, 1998, and who was hired prior to July 1, 2016, if the annuity  
4 begins at a time when the sum of the member's attained age and creditable  
5 service totals eighty-five and the member is at least fifty-five years of  
6 age, the annuity shall not be reduced. This subdivision shall not apply  
7 to a member who is retired prior to March 4, 1998.  
8 (b) For a member hired on or after July 1, 2016, and prior to July  
9 1, 2018, or for a member who has taken a retirement or refund that  
10 relinquished all prior service credit and who has not repaid the full

11 amount of the refund pursuant to section 79-921 and is rehired or hired  
12 by any employer covered by the retirement system on or after July 1,  
13 2016, and prior to July 1, 2018, if the annuity begins at a time when the  
14 sum of the member's attained age and creditable service totals eighty-  
15 five and the member is at least fifty-five years of age, the annuity  
16 shall not be reduced.

17 (c) For a member hired on or after July 1, 2018, or for a member or  
18 former member who has taken a retirement or refund that relinquished all  
19 prior service credit and who has not repaid the full amount of the refund  
20 pursuant to section 79-921 and is rehired or hired by any employer  
21 covered by the retirement system on or after July 1, 2018, if the annuity  
22 begins at a time when the sum of the member's attained age and creditable  
23 service totals eighty-five and the member is at least sixty years of age,  
24 the annuity shall not be reduced.

25 (6) If the annuity begins on or after the member's sixtieth birthday  
26 and the member has completed at least a total of five years of creditable  
27 service including eligibility and vesting credit but has not yet  
28 qualified for an unreduced annuity as specified in this section, the  
29 annuity shall be reduced by three percent for each year after the  
30 member's sixtieth birthday and prior to his or her sixty-fifth birthday.

31 (7) Except as provided in section 42-1107, the normal form of the  
1 formula annuity shall be an annuity payable monthly during the remainder  
2 of the member's life with the provision that in the event of his or her  
3 death before sixty monthly payments have been made the monthly payments  
4 will be continued to his or her estate or to the beneficiary he or she  
5 has designated until sixty monthly payments have been made. Except as  
6 provided in section 42-1107, a member may elect to receive in lieu of the  
7 normal form of annuity an actuarially equivalent annuity in any optional  
8 form provided by section 79-938.

9 (8) All formula annuities shall be paid from the School Retirement  
10 Fund.

11 ~~(9)(a)~~ ~~(9)(a)(i)~~ For purposes of this section, in the determination  
12 of compensation for members on or after July 1, 2005, that part of a  
13 member's compensation for the plan year which exceeds the member's  
14 compensation with the same employer for the preceding plan year by more  
15 than seven percent of the compensation base during the sixty months  
16 preceding the member's retirement shall be excluded unless (A) the member  
17 experienced a substantial change in employment position, (B) as verified  
18 by the school board, the excess compensation above seven percent occurred  
19 as the result of a collective bargaining agreement between the employer  
20 and a recognized collective bargaining unit or category of school  
21 employee, and the percentage increase in compensation above seven percent  
22 shall not be excluded for employees outside of a collective bargaining  
23 unit or within the same category of school employee, or (C) the excess  
24 compensation occurred as the result of a districtwide permanent benefit  
25 change made by the employer for a category of school employee in  
26 accordance with subdivision (4)(a)(iv) of section 79-902. (ii) For  
27 purposes of subdivision (9)(a) of this section: (A) Category of school  
28 employee means either all employees of the employer who are

29 administrators or certificated teachers, or all employees of the employer  
30 who are not administrators or certificated teachers, or both; (B)  
31 Compensation base means (I) for current members, employed with the same  
1 employer, the member's compensation for the plan year ending June 30,  
2 2005, or (II) for members newly hired or hired by a separate employer on  
3 or after July 1, 2005, the member's compensation for the first full plan  
4 year following the member's date of hiring. Thereafter, the member's  
5 compensation base shall be increased each plan year by the lesser of  
6 seven percent of the member's preceding plan year's compensation base or  
7 the member's actual annual compensation increase during the preceding  
8 plan year; and (C) Recognized collective bargaining unit means a group of  
9 employees similarly situated with a similar community of interest  
10 appropriate for bargaining recognized as such by a school board. (b)(i)  
11 In the determination of compensation for members whose retirement date is  
12 on or after July 1, 2012, through June 30, 2013, that part of a member's  
13 compensation for the plan year which exceeds the member's compensation  
14 with the same employer for the preceding plan year by more than nine  
15 percent of the compensation base shall be excluded. (ii) For purposes of  
16 subdivision (9)(b) of this section, compensation base means (A) for  
17 current members employed with the same employer, the member's  
18 compensation for the plan year ending June 30, 2012, or (B) for members  
19 newly hired or hired by a separate employer on or after July 1, 2012, the  
20 member's compensation for the first full plan year following the member's  
21 date of hiring. (c)(i) In the determination of compensation for members  
22 whose retirement date is on or after July 1, 2013, that part of a  
23 member's compensation for the plan year which exceeds the member's  
24 compensation for the preceding plan year by more than eight percent  
25 during the capping period shall be excluded. Such member's compensation  
26 for the first plan year of the capping period shall be compared to the  
27 member's compensation received for the plan year immediately preceding  
28 the capping period.  
29 (b) (ii) For purposes of ~~subdivision (9)(e) of this subsection~~  
30 ~~section~~:  
31 (i) (A) Capping period means the five plan years preceding the later  
1 of (A) (H) such member's retirement date or (B) (H) such member's final  
2 compensation date; and  
3 (ii) (B) Final compensation date means the later of (A) (H) the date  
4 on which a retiring member's final compensation is actually paid or (B)  
5 (H) if a retiring member's final compensation is paid in advance as a  
6 lump sum, the date on which such final compensation would have been paid  
7 to the member in the absence of such advance payment.  
8 Sec. 10. Since an emergency exists, this act takes effect when  
9 passed and approved according to law.  
10 2. Correct the repealer accordingly.

(Signed) Mark Kolterman, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1507

Tuesday, February 5, 2019 12:00 p.m.

LB34

LB35

(Signed) Mark Kolterman, Chairperson

Urban Affairs

Room 1510

Tuesday, February 5, 2019 1:30 p.m.

LB317

LB23

LB124

LB107

LB195

Tuesday, February 12, 2019 1:30 p.m.

LB348

LB405

LB96

LB95

LB130

LB409

Tuesday, February 19, 2019 1:30 p.m.

LB424

LB136

LB87

LB234

LB68

LB197

Tuesday, February 26, 2019 1:30 p.m.

LB492

LB476

LB574

LB445

LB520

(Signed) Justin Wayne, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 1, 2019 1:30 p.m.

LR7  
LB451

(Signed) Tom Brewer, Chairperson

Transportation and Telecommunications

Warner Chamber

Monday, February 4, 2019 1:30 p.m.

LB270  
LB184  
LB208  
LB549

Tuesday, February 5, 2019 1:30 p.m.

LB38  
LB128  
LB138  
LB696  
LB697  
LB215  
LB356  
LB546  
LB691  
LB699

(Signed) Curt Friesen, Chairperson

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

Senator Wishart filed the following amendment to LB110:  
AM21 is available in the Bill Room.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 16.** Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wayne, 13; Wishart, 27.

WHEREAS, the federal government has been partially shut down since December 22, 2018, the longest government shutdown in this country's history; and

WHEREAS, on January 25, 2019, approximately eight hundred thousand federal workers will miss their second paycheck since the shutdown began; and

WHEREAS, the shutdown of the federal government has weakened national and state security; and

WHEREAS, the shutdown of the federal government has negatively impacted Nebraska's economy and small business community.

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

1. That the Legislature recognizes the contributions and applauds the generosity of Nebraska businesses that are supporting federal workers through donations of goods and services.

2. That the Legislature urges the President of the United States and members of Congress to reopen the federal government immediately.

3. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR16 was referred to the Reference Committee.

#### **EXECUTIVE BOARD REPORT**

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

##### Building Maintenance

Senator Brandt

Senator Bostelman

Senator Erdman (Chairperson)

Senator Lowe

Senator McDonnell

Senator Stinner

##### Education Commission of the States

Senator Groene

Senator Morfeld

Senator Murman

Homeland Security Policy Group

Senator Lowe  
Senator McDonnell

Interstate Compact for Adult Offender Supervision

Senator Cavanaugh

Legislative Performance Audit

Senator Crawford  
Senator Friesen  
Senator Geist  
Senator B. Hansen  
Senator Hilgers  
Senator Scheer  
Senator Stinner

Legislature's Planning

Senator Clements  
Senator DeBoer  
Senator M. Hansen  
Senator Hilgers  
Senator McCollister  
Senator Scheer  
Senator Stinner  
Senator Vargas  
Senator Williams

Midwestern Higher Education Commission

Senator Kolowski  
Senator Slama

Nebraska Economic Development Task Force

Senator Arch  
Senator Bolz  
Senator Quick  
Senator Groene (Chairperson, Education)  
Senator M. Hansen (Chairperson, Business and Labor)  
Senator Linehan (Chairperson, Revenue)  
Senator Stinner (Chairperson, Appropriations)  
Senator Wayne (Chairperson, Urban Affairs)  
Senator Williams (Chairperson, Banking, Commerce and Insurance)  
Senator \_\_\_\_\_ (Chairperson, Legislature's Planning)

Nebraska Information Technology Commission

Senator Bostelman

State Council for Interstate Juvenile Supervision

Senator Quick

State-Tribal Relations

Senator Albrecht  
 Senator Brewer  
 Senator Gragert  
 Senator Hilkemann (Chairperson)  
 Senator Hunt  
 Senator Walz  
 Senator Wishart (Vice Chairperson)

Streamlined Sales and Use Tax System

Senator Friesen  
 Senator Lindstrom

(Signed) Mike Hilgers, Chairperson  
 Legislative Council, Executive Board

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

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

Senator Slama name added to LB7.  
 Senator Cavanaugh name added to LB13.  
 Senator McDonnell name added to LB39.  
 Senator McDonnell name added to LB40.  
 Senator Briese name added to LB77.  
 Senator McDonnell name added to LB85.  
 Senator Slama name added to LB154.  
 Senator Pansing Brooks name added to LB314.  
 Senator Dorn name added to LB594.  
 Senator McDonnell name added to LB634.  
 Senator Hunt name added to LB711.  
 Senator Briese name added to LB734.  
 Senator Lowe name added to LR1CA.  
 Senator Slama name added to LR1CA.

**WITHDRAW - Cointroducer(s)**

Senator Brewer name withdrawn from LB573.

**VISITOR(S)**

Visitors to the Chamber were participants in the U.S. Department of State's International Visitor Leadership Program from the European Union.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 10:44 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, January 28, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTEENTH DAY - JANUARY 28, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 28, 2019

**PRAYER**

The prayer was offered by Pastor Dan Wing, Trinity Lutheran Church, Lincoln.

**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 Bolz, Friesen, Groene, Howard, Lindstrom, Morfeld, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 1524

Monday, February 4, 2019 1:30 p.m.

LB604  
LB527  
LB667  
LB254  
LB305  
LB311

(Signed) Matt Hansen, Chairperson

**ANNOUNCEMENT(S)**

The Building Maintenance Committee elected Senator Lowe as Vice Chairperson.

The Legislature's Planning Committee elected Senator Vargas as Chairperson and Senator McCollister as Vice Chairperson.

**GENERAL FILE**

**LEGISLATIVE BILL 67.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 193.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 194.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 196.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 117.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 79.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 82.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 190.** Title read. Considered.

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

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

Room 1510

Monday, February 4, 2019 1:30 p.m.

Paul Leckband - Nebraska Commission on Problem Gambling  
LB41  
LB624  
LB235  
LB203

(Signed) Tom Briese, Chairperson

Education

Room 1525

Monday, February 4, 2019 1:30 p.m.

LB575  
LB486  
LB513

(Signed) Mike Groene, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 4, 2019 1:30 p.m.

LB442  
LB622  
LB172  
LB536

Tuesday, February 5, 2019 1:30 p.m.

LB380  
LB159  
LB469

Monday, February 11, 2019 1:30 p.m.

LB224  
LB384  
LB454

Tuesday, February 12, 2019 1:30 p.m.

LB145  
LB116  
LB257

Tuesday, February 19, 2019 1:30 p.m.

LB274  
LB370  
LB672

Tuesday, February 26, 2019 1:30 p.m.

LB603  
LB407  
LB453

Monday, March 4, 2019 1:30 p.m.

LB15  
LB501  
LB316

Tuesday, March 5, 2019 1:30 p.m.

LB228  
LB619  
LB569

Tuesday, March 12, 2019 1:30 p.m.

LB265  
LB379  
LB602

Monday, March 18, 2019 1:30 p.m.

LB573

(Signed) Matt Williams, Chairperson

Agriculture

Room 1524

Tuesday, February 5, 2019 1:30 p.m.

LB660  
LB344  
LB320

(Signed) Steve Halloran, Chairperson

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 17. Introduced by Scheer, 19.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and

WHEREAS, Nebraska and Taiwan have enjoyed a mutually beneficial bilateral trade relationship with Taiwan ranking as Nebraska's eleventh largest export market; and

WHEREAS, Taiwan is the eleventh largest global trading partner for the United States and is the eighth largest export market for American agricultural products; and

WHEREAS, this year marks the fortieth anniversary of the Taiwan Relations Act, Public Law 96-8, which built a strong foundation for U.S. - Taiwan ties, and assures the continuation of commercial, cultural, and other relations between the two countries; and

WHEREAS, negotiations for a fair and reciprocal Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade, thereby increasing Nebraska's exports to Taiwan and promoting two-way investment.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the thirty-sixth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.

3. That copies of this resolution be sent to the United States Secretary of State Michael Pompeo and Director General Jerry S. Chang of the Taipei Economic and Cultural Office in Denver, Colorado.

Laid over.

**COMMITTEE REPORT(S)**

Agriculture

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

Bryan Tuma - Climate Assessment Response Committee

Aye: 8 Blood, Brandt, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 61.** Placed on General File with amendment.

AM41

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

2 Sec. 3. Section 71-4403, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 71-4403 It shall be the duty of each veterinarian, at the time of  
5 vaccinating any domestic or hybrid animal, to complete a certificate of  
6 rabies vaccination which shall include, but not be limited to, the  
7 following information:

8 (1) The owner's name and address;

9 (2) An adequate description of the domestic or hybrid animal,  
10 including, but not limited to, such items as the domestic or hybrid  
11 animal's breed, sex, age, name, and distinctive markings;

12 (3) The date of vaccination;

13 (4) The rabies vaccination tag number;

14 (5) The type of rabies vaccine administered by dosage and number of  
15 years of effectiveness;

16 (6) The manufacturer's serial number of the vaccine used; and

17 (7) The date by which the next ~~site of~~ vaccination is due.

18 Such veterinarian shall issue a tag with the certificate of  
19 vaccination.

20 2. On page 4, line 20, strike "The", show as stricken, and insert

21 "To protect the health, safety, and welfare of the public and to ensure,  
22 to the greatest extent possible, efficient and adequate practices, the".

23 3. Renumber the remaining sections and correct the repealer  
24 accordingly.

(Signed) Steve Halloran, Chairperson

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee elected Senator Geist as Chairperson and Senator Crawford as Vice Chairperson.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File.

**LEGISLATIVE BILL 2.** Placed on Select File.

**LEGISLATIVE BILL 3.** Placed on Select File with amendment.

ER1

1 1. On page 6, line 4; page 9, line 24; and page 10, line 8, strike

2 "College or University", show as stricken, and insert "Colleges and

3 Universities".

4 2. On page 6, line 5; page 9, line 25; and page 10, line 9, after

5 "1801" insert "et seq.".

**LEGISLATIVE BILL 12.** Placed on Select File.

**LEGISLATIVE BILL 26.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

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

Senator Kolterman name added to LB104.

Senator Lindstrom name added to LB139.

Senator Lindstrom name added to LB153.

Senator Kolterman name added to LB252.

Senator Halloran name added to LB314.

Senator Halloran name added to LB372.

Senator Brewer name added to LB382.

Senator Halloran name added to LB483.

Senator Walz name added to LB594.

Senator Halloran name added to LB677.

Senator Halloran name added to LR5CA.

**VISITOR(S)**

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 10:36 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 29, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 29, 2019

**PRAYER**

The prayer was offered by Reverend Chris Jorgensen, Hanscom Park United Methodist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Morfeld and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 77.** Placed on Select File with amendment.

ER2

1 1. Insert the following new sections:

2 Sec. 12. Section 76-3203, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 76-3203 (1) An application for issuance of a registration shall be  
5 made in writing to the board on forms approved by the board, which  
6 includes, but is not limited to, all information required by the board  
7 necessary to administer and enforce the Nebraska Appraisal Management  
8 Company Registration Act, and the name of the contact person for the  
9 appraisal management company.

10 (2) An applicant for issuance of a registration shall furnish to the  
11 board, at the time of making application, a surety bond in the amount of  
12 twenty-five thousand dollars. The surety bond required under this  
13 subsection shall be issued by a bonding company or insurance company  
14 authorized to do business in this state, and a copy of the bond shall be

15 filed with the board. The bond shall be in favor of the state for the  
16 benefit of any person who is damaged by any violation of the Nebraska  
17 Appraisal Management Company Registration Act. The bond shall also be in  
18 favor of any person damaged by such a violation. Any person claiming  
19 against the bond for a violation of the act may maintain an action at law  
20 against the appraisal management company and against the surety. The  
21 aggregate liability of the surety to all persons damaged by a violation  
22 of the act by an appraisal management company shall not exceed the amount  
23 of the bond. The bond shall be maintained until one year after the date  
24 that the appraisal management company ceases operation in this state.

25 (3) A registration shall be issued only to persons who:

26 (a) Meet the requirements for issuance of a registration;

27 (b) Have a good reputation for honesty, trustworthiness, integrity,  
1 and competence to perform appraisal management services in such manner as  
2 to safeguard the interest of the public as determined by the board; and

3 (c) Have not had a final civil or criminal judgment entered against  
4 them for fraud, dishonesty, breach of trust, or misrepresentation  
5 involving real estate, financial services, or appraisal management  
6 services within a five-year period immediately preceding the date of  
7 application.

8 (4) A registration shall be valid for a period of twelve months  
9 beginning on the date which the registration was issued or renewed unless  
10 canceled, revoked, or surrendered.

11 (5) All information related to an appraisal management company's  
12 registration shall be reported to the Appraisal Subcommittee as required  
13 by Title XI of the Financial Institutions Reform, Recovery, and  
14 Enforcement Act of 1989, the AMC final rule, and any policy or rule  
15 established by the Appraisal Subcommittee.

16 (6) The renewal of a registration includes the same requirements  
17 found in subsections (1) through (5) of this section. An application for  
18 renewal of a registration shall be furnished to the board no later than  
19 sixty days prior to the date of expiration of the registration.

20 (7) For the purpose of subdivision (6) ~~(5)~~ of section 76-3202, the  
21 twelve-month period for renewal of a registration shall consist of the  
22 twelve months pursuant to subsection (4) of this section.

23 Sec. 13. Section 76-3203.01, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 76-3203.01 (1) Only AMC appraisers considered to be in good standing  
26 in all jurisdictions in which an active credential is held shall be  
27 included on an appraisal management company's appraiser panel.

28 (2) An appraisal management company shall remove any AMC appraiser  
29 from its appraiser panel within thirty days after receiving notice that  
30 the AMC appraiser:

31 (a) Is no longer considered to be in good standing in one or more  
1 jurisdictions in which he or she holds an active credential or  
2 equivalent;

3 (b) The AMC appraiser's credential or equivalent has been refused,  
4 denied, canceled, or revoked; or

5 (c) The AMC appraiser has surrendered his or her credential or

6 equivalent in lieu of revocation.

7 (3) Pursuant to subdivision ~~(6)(c)~~ ~~(5)(e)~~ of section 76-3202, an  
8 appraiser panel shall include each AMC appraiser as of the earliest date  
9 on which such person was accepted by the appraisal management company:

10 (a) For consideration for future assignments in covered transactions  
11 or for secondary mortgage market participants in connection with covered  
12 transactions; or

13 (b) For engagement to perform one or more appraisals on behalf of a  
14 creditor for a covered transaction or for a secondary mortgage market  
15 participant in connection with covered transactions.

16 (4) Any AMC appraiser included on an appraisal management company's  
17 appraiser panel pursuant to subsection (3) of this section shall remain  
18 on such appraiser panel until the date on which the appraisal management  
19 company:

20 (a) Sends written notice to the AMC appraiser removing him or her  
21 from the appraiser panel. Such written notice shall include an  
22 explanation of the action taken by the appraisal management company;

23 (b) Receives written notice from the AMC appraiser requesting that  
24 he or she be removed from the appraiser panel. Such written notice shall  
25 include an explanation of the action requested by the AMC appraiser; or

26 (c) Receives written notice on behalf of the AMC appraiser of the  
27 death or incapacity of the AMC appraiser. Such written notice shall  
28 include an explanation on behalf of the AMC appraiser.

29 (5) Upon receipt of notice that he or she has been removed from the  
30 appraisal management company's appraiser panel, an AMC appraiser shall  
31 have thirty days to provide a response to the appraisal management  
1 company that removed the AMC appraiser from its appraiser panel. Upon  
2 receipt of the AMC appraiser's response, the appraisal management company  
3 shall have thirty days to reconsider the removal and provide a written  
4 response to the AMC appraiser.

5 (6) If an AMC appraiser is removed from an appraisal management  
6 company's appraiser panel pursuant to subsection (4) of this section,  
7 nothing shall prevent the appraisal management company at any time during  
8 the twelve months after removal from the appraiser panel from considering  
9 such person for future assignments in covered transactions or for  
10 secondary mortgage market participants in connection with covered  
11 transactions, or for engagement to perform one or more appraisals on  
12 behalf of a creditor for a covered transaction or for a secondary  
13 mortgage market participant in connection with covered transactions. If  
14 such consideration or engagement takes place, the removal shall be deemed  
15 not to have occurred and such person shall be deemed to have been  
16 included on the appraiser panel without interruption.

17 (7) Any AMC appraiser included on an appraisal management company's  
18 appraiser panel engaged in appraisal practice or real property appraisal  
19 activity as a result of an assignment provided by an appraisal management  
20 company shall be free from inappropriate influence and coercion as  
21 required by the appraisal independence standards established under  
22 section 129E of the federal Truth in Lending Act, as such section existed  
23 on January 1, 2018, including the requirements for payment of a

24 reasonable and customary fee to AMC appraisers when the appraisal  
25 management company is engaged in providing appraisal management services.  
26 (8) An appraisal management company shall select an AMC appraiser  
27 from its appraiser panel for an assignment who is independent of the  
28 transaction and who has the requisite education, expertise, and  
29 experience necessary to competently complete the assignment for the  
30 particular market and property type.

31 Sec. 14. Section 76-3204, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 76-3204 The Nebraska Appraisal Management Company Registration Act  
3 does not apply to:

4 (1) A department or division of a person that provides appraisal  
5 management services only to itself; or

6 (2) A person that provides appraisal management services but does  
7 not meet the requirement established by subdivision (6)(c) ~~(5)(e)~~ of  
8 section 76-3202.

9 Sec. 15. Section 76-3216, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 76-3216 (1) It is unlawful for a person to directly or indirectly  
12 engage in or attempt to engage in business as an appraisal management  
13 company or to advertise or hold itself out as engaging in or conducting  
14 business as an appraisal management company in this state without first  
15 obtaining a registration or by meeting the requirements as a federally  
16 regulated appraisal management company.

17 (2) Except as provided in section 76-3204, any person who, directly  
18 or indirectly for another, offers, attempts, or agrees to perform all  
19 actions described in subdivision (6) ~~(5)~~ of section 76-3202 or any action  
20 described in subdivision (7) ~~(6)~~ of such section, shall be deemed an  
21 appraisal management company within the meaning of the Nebraska Appraisal  
22 Management Company Registration Act, and such action shall constitute  
23 sufficient contact with this state for the exercise of personal  
24 jurisdiction over such person in any action arising out of the act.

25 (3) The board may issue a cease and desist order against any person  
26 who violates this section by performing any action described in  
27 subdivision ~~(5)~~ or (6) or (7) of section 76-3202 without the appropriate  
28 registration. Such order shall be final ten days after issuance unless  
29 such person requests a hearing pursuant to section 76-3217. The board  
30 may, through the Attorney General, obtain an order from the district  
31 court for the enforcement of the cease and desist order.

1 (4) To the extent permitted by any applicable federal legislation or  
2 regulation, the board may censure an appraisal management company,  
3 conditionally or unconditionally suspend or revoke its registration, or  
4 levy fines or impose civil penalties not to exceed five thousand dollars  
5 for a first offense and not to exceed ten thousand dollars for a second  
6 or subsequent offense, if the board determines that an appraisal  
7 management company is attempting to perform, has performed, or has  
8 attempted to perform any of the following:

9 (a) A material violation of the act;

10 (b) A violation of any rule or regulation adopted and promulgated by

11 the board; or  
 12 (c) Procurement of a registration for itself or any other person by  
 13 fraud, misrepresentation, or deceit.  
 14 (5) In order to promote voluntary compliance, encourage appraisal  
 15 management companies to correct errors promptly, and ensure a fair and  
 16 consistent approach to enforcement, the board shall endeavor to impose  
 17 fines or civil penalties that are reasonable in light of the nature,  
 18 extent, and severity of the violation. The board shall also take action  
 19 against an appraisal management company's registration only after less  
 20 severe sanctions have proven insufficient to ensure behavior consistent  
 21 with the Nebraska Appraisal Management Company Registration Act. When  
 22 deciding whether to impose a sanction permitted by subsection (4) of this  
 23 section, determining the sanction that is most appropriate in a specific  
 24 instance, or making any other discretionary decision regarding the  
 25 enforcement of the act, the board shall consider whether an appraisal  
 26 management company:  
 27 (a) Has an effective program reasonably designed to ensure  
 28 compliance with the act;  
 29 (b) Has taken prompt and appropriate steps to correct and prevent  
 30 the recurrence of any detected violations; and  
 31 (c) Has independently reported to the board any significant  
 1 violations or potential violations of the act prior to an imminent threat  
 2 of disclosure or investigation and within a reasonably prompt time after  
 3 becoming aware of the occurrence of such violations.  
 4 (6) Any violation of appraisal-related laws or rules and  
 5 regulations, and disciplinary action taken against an appraisal  
 6 management company, shall be reported to the Appraisal Subcommittee as  
 7 required by Title XI of the Financial Institutions Reform, Recovery, and  
 8 Enforcement Act of 1989, the AMC final rule, and any policy or rule  
 9 established by the Appraisal Subcommittee.  
 10 2. On page 14, line 10, after the last semicolon insert "and"; in  
 11 line 13 after "(b)(iii)(A)" insert "of this subsection"; and in lines 23  
 12 and 24 strike "section" and insert "subsection".  
 13 3. On page 21, line 17, strike "exam" and insert "examination".  
 14 4. On page 30, line 29, strike "and" and after "76-3202," insert  
 15 "76-3203, 76-3203.01, 76-3204, and 76-3216,".  
 16 5. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 49.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

## General Affairs

The General Affairs 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.

Joyce Hasselbalch - Nebraska Arts Council  
Sarah Peetz - Nebraska Arts Council

Aye: 8 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.  
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Mike Hunsberger - State Electrical Board

Aye: 8 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.  
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Jeffrey Bomberger - Nebraska Commission on Problem Gambling

Aye: 7 Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0. Absent:  
0. Present and not voting: 1 Arch.

(Signed) Tom Briese, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

## Health and Human Services

Room 1510

Wednesday, February 6, 2019 1:30 p.m.

LB29  
LB112  
LB730

Thursday, February 7, 2019 1:00 p.m.

Economic Assistance Briefing

Thursday, February 7, 2019 1:30 p.m.

LB255  
LB402  
LB169

Friday, February 8, 2019 1:00 p.m.

Child Care Briefing

Friday, February 8, 2019 1:30 p.m.

LB329  
LB459  
LB590  
LB341

(Signed) Sara Howard, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 6, 2019 1:30 p.m.

LB212  
LB191  
LB148  
LB239

Thursday, February 7, 2019 1:30 p.m.

LB412  
LB608  
LB246  
LB280

Friday, February 8, 2019 1:30 p.m.

LB16  
LB150  
LB118  
LB123

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 33.** Title read. Considered.

Committee AM4, found on page 332, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 3.** ER1, found on page 349, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 12.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 26.** Considered.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 67.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 70.** Placed on General File.

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

**LEGISLATIVE BILL 221.** Placed on General File.

(Signed) Matt Williams, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, February 5, 2019 1:30 p.m.

LB544  
LB547  
LB563  
LB639

(Signed) Mike Groene, Chairperson

Business and Labor

Room 1524

Monday, February 11, 2019 1:30 p.m.

LB345  
LB217  
LB383  
LB400  
LB361  
LB362

(Signed) Matt Hansen, Chairperson

Urban Affairs

Room 1510

Tuesday, February 26, 2019 1:30 p.m.

LB520 (cancel)

Tuesday, March 5, 2019 1:30 p.m.

LR14CA  
LB648  
LB721  
LB564  
LB731  
LB520

(Signed) Justin Wayne, Chairperson

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

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

Senator Briese name added to LB139.  
Senator Linehan name added to LB378.  
Senator Gragert name added to LB424.

**ADJOURNMENT**

At 9:37 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTEENTH DAY - JANUARY 30, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 30, 2019

**PRAYER**

The prayer was offered by Senator Arch.

**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 Friesen and Hilgers who were excused; and Senators La Grone, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 42.** Placed on General File with amendment.  
AM67

1 1. On page 3, line 1; and page 5, line 15, strike "county clerk" and  
2 insert "register of deeds".

3 2. On page 3, strike beginning with "The" in line 4 through the  
4 period in line 5.

5 3. On page 5, strike beginning with "The" in line 18 through the  
6 period in line 19.

(Signed) Matt Williams, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jason Jackson - Director, Department of Administrative Services

Aye: 8 Blood, Brewer, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Christopher Cantrell - State Fire Marshal, Nebraska State Fire Marshal

Aye: 8 Blood, Brewer, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Transportation and Telecommunications

Warner Chamber

Monday, February 11, 2019 1:30 p.m.

LB462  
LB616  
LB269  
LB278

Tuesday, February 12, 2019 1:30 p.m.

LB378  
LB371  
LB612  
LB665  
LB719

Tuesday, February 19, 2019 1:30 p.m.

LB550  
LB641  
LB268  
LB617  
LB693

Tuesday, February 26, 2019 1:30 p.m.

LB461  
LB51  
LB366  
LB698  
LB325

Monday, March 4, 2019 1:30 p.m.

LB39  
LB40  
LB620  
LB634

Tuesday, March 5, 2019 1:30 p.m.

LB611  
LB401  
LB521

(Signed) Curt Friesen, Chairperson

Judiciary

Warner Chamber

Wednesday, February 6, 2019 1:30 p.m.

LB108  
LB114  
LB216  
LB277  
LB376  
LB443

Thursday, February 7, 2019 1:30 p.m.

LB166  
LB167  
LB168  
LB504  
LB627  
LB426

Friday, February 8, 2019 1:30 p.m.

LB300  
LB309  
LB339  
LB388  
LB389  
LB490

(Signed) Steve Lathrop, Chairperson

Executive Board

Room 1525

Wednesday, February 6, 2019 12:00 p.m.

LR2  
LR11CA  
LR12CA

Friday, February 8, 2019 12:00 p.m.

LB561  
LB566

Monday, February 11, 2019 12:00 p.m.

LB105  
LB283

(Signed) Mike Hilgers, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 61.** Title read. Considered.

Committee AM41, found on page 348, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 77.** ER2, found on page 351, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 49.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 67.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 115.** Placed on General File with amendment.  
AM39

1 1. On page 6, line 15, after "for" insert "collecting".

(Signed) Mike Groene, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 188.** Placed on General File.

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

**LEGISLATIVE BILL 259.** Placed on General File.

**LEGISLATIVE BILL 355.** Placed on General File.

(Signed) Matt Williams, Chairperson

General Affairs

**LEGISLATIVE BILL 56.** Placed on General File.

**LEGISLATIVE BILL 75.** Placed on General File.

(Signed) Tom Briese, Chairperson

Urban Affairs

**LEGISLATIVE BILL 11.** Placed on General File.

**LEGISLATIVE BILL 57.** Placed on General File.

**LEGISLATIVE BILL 121.** Placed on General File.

**LEGISLATIVE BILL 66.** Placed on General File with amendment.  
AM56

- 1 1. On page 2, line 13, strike "but not later than January 1, 2022,";
- 2 and in line 30 after the period insert "The city shall meet the
- 3 requirements of this subsection on or before January 1, 2022.".
- 4 2. On page 4, line 18, strike "but not later than January 1, 2022,".
- 5 3. On page 5, line 3, after the period insert "The city shall meet
- 6 the requirements of this subdivision on or before January 1, 2022.".
- 7 4. On page 6, line 13, strike "but not later than January 1, 2022,";
- 8 and in line 29 after the period insert "The city shall meet the
- 9 requirements of this subdivision on or before January 1, 2022.".

(Signed) Justin Wayne, Chairperson

Revenue

**LEGISLATIVE BILL 63.** Placed on General File with amendment.  
AM77

- 1 1. Strike original section 6 and insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. Renumber the remaining section accordingly.

(Signed) Lou Ann Linehan, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 32.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, February 6, 2019 1:30 p.m.

- LB470
- LB545
- LB610
- LB688
- LB705

Thursday, February 7, 2019 1:30 p.m.

- LB153
- LB263
- LB628
- LR3CA

Friday, February 8, 2019 1:30 p.m.

LB76  
LB393  
LB463  
LB523

(Signed) Lou Ann Linehan, Chairperson

Natural Resources

Room 1525

Wednesday, February 6, 2019 1:30 p.m.

Loren Taylor - Nebraska Natural Resources Commission  
LB319

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Gail Werner-Robertson - Nebraska Investment Council

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

Allen Simpson - Public Employees Retirement Board

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

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

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

Senator McDonnell name added to LB15.  
Senator Hunt name added to LB57.  
Senator Hunt name added to LB83.  
Senator B. Hansen name added to LB117.  
Senator Erdman name added to LB152.  
Senator Erdman name added to LB154.  
Senator Erdman name added to LB156.  
Senator Erdman name added to LB158.  
Senator Erdman name added to LB246.  
Senator Erdman name added to LB303.  
Senator Erdman name added to LB343.  
Senator Erdman name added to LB374.  
Senator Morfeld name added to LB378.  
Senator Erdman name added to LB431.  
Senator Erdman name added to LB432.  
Senator Erdman name added to LB575.  
Senator Brewer name added to LB677.  
Senator Erdman name added to LB695.  
Senator Friesen name added to LR7.

**VISITOR(S)**

Visitor to the Chamber was Kurtis Johnson from UNMC.

The Doctor of the Day was Dr. Monty Sellon from Fremont.

**ADJOURNMENT**

At 9:36 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTEENTH DAY - JANUARY 31, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 31, 2019

**PRAYER**

The prayer was offered by Doctor Eric Elnes, Countryside Community Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hilgers, Howard, Vargas, and Wishart who were excused; and Senators Bolz, Linehan, Pansing Brooks, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 65.** Placed on General File.

(Signed) Tom Briese, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 1524

Tuesday, February 12, 2019 1:30 p.m.

LB657  
LB227

Tuesday, February 19, 2019 1:30 p.m.

LB594  
LR13  
LB729

(Signed) Steve Halloran, Chairperson

Business and Labor

Room 1524

Monday, February 11, 2019 1:00 p.m.

LB644

(Signed) Matt Hansen, Chairperson

#### **EXECUTIVE BOARD REPORT**

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

##### The Committee on Justice Reinvestment Oversight

Senator John McCollister

Senator Justin Wayne

Senator Patty Pansing Brooks

Senator Wendy DeBoer

Senator Steve Lathrop (Judiciary Chair)

(Signed) Mike Hilgers, Chairperson  
Legislative Council, Executive Board

#### **MOTION(S) - Confirmation Report(s)**

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 348:

Climate Assessment Response Committee

Bryan Tuma

Voting in the affirmative, 32:

Arch	Crawford	Halloran	Lathrop	Slama
Blood	Dorn	Hansen, B.	McDonnell	Stinner
Bostelman	Erdman	Hansen, M.	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolowski	Murman	
Cavanaugh	Gragert	Kolterman	Quick	
Clements	Groene	La Grone	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Albrecht	Chambers	Hilkemann	Lindstrom	McCollister
Brewer	DeBoer	Hughes	Lowe	

Excused and not voting, 8:

Bolz	Howard	Pansing Brooks	Walz
Hilgers	Linehan	Vargas	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Arts Council  
 Joyce Hasselbalch  
 Sarah Peetz

Voting in the affirmative, 36:

Albrecht	DeBoer	Hansen, M.	Linehan	Slama
Arch	Dorn	Hilkemann	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Wayne
Bostelman	Geist	Hunt	Morfeld	Williams
Brandt	Gragert	Kolowski	Moser	
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Crawford	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	Clements	Lindstrom	Scheer
Chambers	Friesen	Lowe	

Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

State Electrical Board  
Mike Hunsberger

Voting in the affirmative, 38:

Albrecht	Crawford	Halloran	La Grone	Pansing Brooks
Arch	DeBoer	Hansen, B.	Lathrop	Quick
Blood	Dorn	Hansen, M.	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Wayne
Briese	Geist	Hunt	Morfeld	Williams
Cavanaugh	Gragert	Kolowski	Moser	
Clements	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Brewer	Chambers	Linehan	Lowe	Scheer
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Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Commission on Problem Gambling  
Jeffrey Bomberger

Voting in the affirmative, 38:

Albrecht	Chambers	Gragert	Kolowski	Moser
Arch	Clements	Groene	Kolterman	Murman
Blood	Crawford	Halloran	La Grone	Pansing Brooks
Bostelman	DeBoer	Hansen, B.	Lathrop	Quick
Brandt	Dorn	Hansen, M.	Linehan	Slama
Brewer	Erdman	Hilkemann	McCollister	Williams
Briese	Friesen	Hughes	McDonnell	
Cavanaugh	Geist	Hunt	Morfeld	

Voting in the negative, 0.

Present and not voting, 5:

Lindstrom	Lowe	Scheer	Stinner	Wayne
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Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 193.** Placed on Select File with amendment.  
ER3

- 1 1. On page 2, line 16, after the first semicolon insert "to name the
- 2 Municipal Commission Plan of Government Act and the City Manager Plan of
- 3 Government Act;" and after "provisions" insert "and provisions relating
- 4 to an excise board and its members".
- 5 2. On page 44, line 21, strike the comma, show as stricken, and
- 6 insert "of the".
- 7 3. On page 45, line 30, strike "shall approve", show as stricken,
- 8 and insert "approves".
- 9 4. On page 54, line 10, strike "Where", show as stricken, and insert
- 10 "When".
- 11 5. On page 59, line 3, strike the commas and show as stricken; in
- 12 line 4 strike the first "or" and show as stricken; and in line 5 strike
- 13 the last comma and show as stricken.
- 14 6. On page 63, line 23, after "its" insert "designated".
- 15 7. On page 72, line 28, strike "nor", show as stricken, and insert
- 16 "or".
- 17 8. On page 79, line 6, strike "council" and insert "councils" and
- 18 strike "board" and insert "boards".
- 19 9. On page 82, line 15, after "fund" insert "or funds were" and
- 20 strike "was" and show as stricken.
- 21 10. On page 83, line 22, strike "This", show as stricken, and insert

22 "Such".

23 11. On page 87, line 19, strike "mentioned", show as stricken, and  
24 insert "described".

25 12. On page 90, line 19, strike "plan" and insert "form".

26 13. On page 118, line 28, strike the comma and show as stricken.

27 14. On page 129, line 1, reinstate the stricken "insofar".

**LEGISLATIVE BILL 194.** Placed on Select File.

**LEGISLATIVE BILL 196.** Placed on Select File.

**LEGISLATIVE BILL 117.** Placed on Select File.

**LEGISLATIVE BILL 79.** Placed on Select File.

**LEGISLATIVE BILL 82.** Placed on Select File with amendment.

ER4

1 1. On page 1, line 5, after "change" insert "and eliminate".

**LEGISLATIVE BILL 190.** Placed on Select File with amendment.

ER5

1 1. On page 1, lines 4 and 5, strike "harmonize provisions" and

2 insert "provide and eliminate provisions relating to school bus loading  
3 area warning signs".

**LEGISLATIVE BILL 33.** Placed on Select File with amendment.

ER7

1 1. On page 1, strike beginning with "73-507" in line 2 through line

2 13 and insert "and 84-1502, Reissue Revised Statutes of Nebraska, and

3 sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes

4 Cumulative Supplement, 2018; to change written plan of action deadlines

5 for the Nebraska Investment Council and the Public Employees Retirement

6 Board; to change findings and comprehensive review provisions relating to

7 the achieving a better life experience program; to eliminate obsolete

8 language regarding formula annuity retirement allowances under the School

9 Employees Retirement Act; to provide a public records exception as

10 prescribed under the Class V School Employees Retirement Act; to increase

11 the board member per diem and change duties relating to competitive

12 bidding of the Public Employees Retirement Board; to harmonize

13 provisions; to repeal the original sections; and to declare an

14 emergency."

15 2. On page 18, line 14, strike "73-507,"; and in line 15 after

16 "sections" insert "79-934,".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 85.** Placed on General File with amendment.

AM66

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

2 sections:

3 Section 1. The Legislature finds that the enforcement of local  
4 building and construction codes is a matter of state concern,  
5 particularly in larger cities which contain a large number of residential  
6 rental properties. The state provides guidelines for the adoption of  
7 local building and construction codes under the Building Construction Act  
8 and regulates the landlord and tenant relationship through the Uniform  
9 Residential Landlord and Tenant Act. Recognizing the need to safeguard  
10 life, health, property, and the public welfare through the appropriate  
11 enforcement of local building and construction codes, the Legislature  
12 hereby declares the necessity of establishing minimum requirements for  
13 cities of the metropolitan class to enforce such codes through a  
14 proactive rental housing inspection program.

15 Sec. 2. For purposes of sections 1 to 7 of this act:16 (1) City means any city of the metropolitan class;17 (2) Housing agency has the same meaning as in section 71-1575; and

18 (3) Newly constructed residential rental property means (a) a  
19 single-family or multi-unit residential rental property that was  
20 constructed within the past five years or (b) a non-residential rental  
21 property that was converted into multi-unit residential rental property  
22 within the past five years. For purposes of this subdivision, a rental  
23 property shall be considered constructed or converted on the date of  
24 issuance of an occupancy permit by the city.

25 Sec. 3. Any city which enacts and administers a local building or  
26 construction code under section 71-6406 shall adopt a rental housing  
27 inspection program to enforce the relevant provisions of such local  
1 building or construction code for all residential rental property within  
2 the corporate limits of the city. The enforcement procedures for a rental  
3 housing inspection program adopted pursuant to this section shall be  
4 designed to improve housing conditions. The city shall make reasonable  
5 efforts to prevent unreasonable displacement of tenants from residential  
6 rental property when enforcing such program.

7 Sec. 4. (1) A rental housing inspection program adopted under  
8 section 3 of this act shall include:

9 (a) A requirement that all residential rental property within the  
10 corporate limits of the city be registered with the city, except for any  
11 such property that is owned by a housing agency;

12 (b) A requirement that all residential rental property within the  
13 corporate limits of the city be inspected at least once within a three-  
14 year cycle, except as provided in section 5 of this act, and except for  
15 any such property that is:

16 (i) Newly constructed residential rental property;17 (ii) Owned by a housing agency;

18 (iii) Inspected or caused to be inspected by a housing agency to  
 19 enforce housing quality standards required by the United States  
 20 Department of Housing and Urban Development;  
 21 (iv) A qualified low-income building or buildings, as such term is  
 22 defined in section 42 of the Internal Revenue Code of 1986, as amended;  
 23 or  
 24 (v) A building or buildings which are regularly inspected pursuant  
 25 to a governmental or quasi-governmental program for the provision of  
 26 affordable, safe, and sanitary housing;  
 27 (c) A supplemental system of inspections of residential rental  
 28 property upon receipt of any complaints; and  
 29 (d) A procedure for owners of residential rental property to appeal  
 30 adverse decisions under the rental housing inspection program.  
 31 (2)(a) The city shall comply with the requirements of subdivisions  
 1 (1)(a), (c), and (d) of this section no later than one year following the  
 2 effective date of this act.  
 3 (b) For residential rental property with three or more rental units,  
 4 the city shall comply with the requirements of subdivision (1)(b) of this  
 5 section no later than two years following the effective date of this act.  
 6 For residential rental property with less than three rental units, the  
 7 city shall comply with the requirements of subdivision (1)(b) of this  
 8 section no later than three years following the effective date of this  
 9 act.  
 10 Sec. 5. A rental housing inspection program adopted under section 3  
 11 of this act may include:  
 12 (1) A schedule of annual registration fees, which fees may vary  
 13 depending on the type of dwelling, dwelling unit, history of code  
 14 compliance, or other pertinent factors;  
 15 (2) A schedule of fines for failure to comply with registration and  
 16 local building and construction code requirements, including fines and  
 17 interest for late payments;  
 18 (3) A schedule of inspection fees for any reinspection required in  
 19 addition to a regular inspection of any residential rental property;  
 20 (4) A provision allowing for less frequent inspections of  
 21 residential rental properties with a history of code compliance and  
 22 responsiveness to prior code complaints; and  
 23 (5) A provision establishing an escrow account where monthly rental  
 24 fees are deposited for those units found to be in code violation and held  
 25 in escrow until such units are in code compliance.  
 26 Sec. 6. For multi-unit residential rental properties, a rental  
 27 housing inspection program adopted under section 3 of this act may  
 28 provide for inspections to be conducted on a random sampling of all units  
 29 of such property instead of inspecting all units of such property.  
 30 Sec. 7. (1) A city may enforce the collection of unpaid fees and  
 31 unpaid fines assessed or levied under any schedule adopted pursuant to  
 1 section 5 of this act by filing a civil action in any court of competent  
 2 jurisdiction.  
 3 (2) Unpaid fees and unpaid fines assessed or levied under any  
 4 schedule adopted pursuant to section 5 of this act shall become a lien on

5 the applicable property upon the recording of a notice of such lien in  
6 the office of the register of deeds of the county in which the applicable  
7 property is located. The lien created under this subsection shall be  
8 subordinate to all other prior recorded liens on the applicable property.  
9 Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of  
10 this act to Chapter 14.

(Signed) Justin Wayne, Chairperson

Business and Labor

**LEGISLATIVE BILL 102.** Placed on General File.

**LEGISLATIVE BILL 301.** Placed on General File.

**LEGISLATIVE BILL 359.** Placed on General File.

**LEGISLATIVE BILL 306.** Placed on General File with amendment.

AM71

1 1. On page 3, line 17, strike beginning with "left" through "care"  
2 and insert "has made all reasonable efforts to preserve employment but  
3 voluntarily leaves employment for the purpose of caring".

(Signed) Matt Hansen, Chairperson

#### NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, February 7, 2019 1:30 p.m.

Richard S. Mercure - Niobrara Council  
LB155

(Signed) Dan Hughes, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 70.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present  
and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 78.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present  
and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 221.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

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

Senator Wayne filed the following amendment to LB92:

AM104

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

2 sections:

3 Section 1. Section 43-256, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-256 When the court enters an order continuing placement,  
6 detention, or an alternative to detention infringing upon the juvenile's  
7 liberty interest pursuant to section 43-253, upon request of the  
8 juvenile, or his or her parent, guardian, or attorney, the court shall  
9 hold a hearing within forty-eight hours, at which hearing the burden of  
10 proof shall be upon the state to show probable cause that such juvenile  
11 is within the jurisdiction of the court. The Nebraska Evidence Rules are  
12 not required to be applied ~~Strict rules of evidence shall not apply~~ at  
13 the probable cause hearing. The juvenile shall be released if probable  
14 cause is not shown. At the option of the court, it may hold the  
15 adjudication hearing provided in section 43-279 as soon as possible  
16 instead of the probable cause hearing if held within a reasonable period  
17 of time. This section and section 43-255 shall not apply to a juvenile  
18 (1) who has escaped from a commitment or (2) who has been taken into  
19 custody for his or her own protection as provided in subdivision (2) of  
20 section 43-248 in which case the juvenile shall be held on order of the  
21 court with jurisdiction for a reasonable period of time.

22 Sec. 2. Section 43-279, Reissue Revised Statutes of Nebraska, is

23 amended to read:

24 43-279 (1) The adjudication portion of hearings shall be conducted  
25 before the court without a jury, applying the Nebraska Evidence Rules  
26 ~~customary rules of evidence in use in trials without a jury~~. When the  
27 petition alleges the juvenile to be within the provisions of subdivision  
1 (1), (2), (3)(b), or (4) of section 43-247 and the juvenile or his or her  
2 parent, guardian, or custodian appears with or without counsel, the court  
3 shall inform the parties:

4 (a) Of the nature of the proceedings and the possible consequences  
5 or dispositions pursuant to sections 43-284 to 43-286, 43-289, and 43-290  
6 that may apply to the juvenile's case following an adjudication of  
7 jurisdiction;

8 (b) Of such juvenile's right to counsel as provided in sections  
9 43-272 and 43-273;

10 (c) Of the privilege against self-incrimination by advising the  
11 juvenile, parent, guardian, or custodian that the juvenile may remain  
12 silent concerning the charges against the juvenile and that anything said  
13 may be used against the juvenile;

14 (d) Of the right to confront anyone who testifies against the  
15 juvenile and to cross-examine any persons who appear against the  
16 juvenile;

17 (e) Of the right of the juvenile to testify and to compel other  
18 witnesses to attend and testify in his or her own behalf;

19 (f) Of the right of the juvenile to a speedy adjudication hearing;  
20 and

21 (g) Of the right to appeal and have a transcript for such purpose.

22 After giving such warnings and admonitions, the court may accept an  
23 in-court admission by the juvenile of all or any part of the allegations  
24 in the petition if the court has determined from examination of the  
25 juvenile and those present that such admission is intelligently,  
26 voluntarily, and understandingly made and with an affirmative waiver of  
27 rights and that a factual basis for such admission exists. The waiver of  
28 the right to counsel shall satisfy section 43-3102. The court may base  
29 its adjudication provided in subsection (2) of this section on such  
30 admission.

31 (2) If the juvenile denies the petition or stands mute the court  
1 shall first allow a reasonable time for preparation if needed and then  
2 consider only the question of whether the juvenile is a person described  
3 by section 43-247. After hearing the evidence on such question, the court  
4 shall make a finding and adjudication, to be entered on the records of  
5 the court, whether or not the juvenile is a person described by  
6 subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof  
7 beyond a reasonable doubt. If an Indian child is involved, the standard  
8 of proof shall be in compliance with the Nebraska Indian Child Welfare  
9 Act, if applicable.

10 (3) If the court shall find that the juvenile named in the petition  
11 is not within the provisions of section 43-247, it shall dismiss the  
12 case. If the court finds that the juvenile named in the petition is such  
13 a juvenile, it shall make and enter its findings and adjudication  
14 accordingly, designating which subdivision or subdivisions of section  
15 43-247 such juvenile is within; the court shall allow a reasonable time  
16 for preparation if needed and then proceed to an inquiry into the proper  
17 disposition to be made of such juvenile.

18 Sec. 3. Section 43-283, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 43-283 The Nebraska Evidence Rules shall apply to all adjudication  
21 hearings and any hearing on a motion or petition seeking termination of  
22 parental rights. The Nebraska Evidence Rules are not required to be  
23 applied at any other hearing under the Nebraska Juvenile Code, including,  
24 but not limited to, dispositional, review, permanency planning, or  
25 detention or protective custody hearings. Strict rules of evidence shall  
26 not be applied at any dispositional hearing.

27 Sec. 4. Section 43-285, Revised Statutes Cumulative Supplement,  
28 2018, is amended to read:

29 43-285 (1) When the court awards a juvenile to the care of the  
30 Department of Health and Human Services, an association, or an individual  
31 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless

1 otherwise ordered, become a ward and be subject to the legal custody and  
2 care of the department, association, or individual to whose care he or  
3 she is committed. Any such association and the department shall have  
4 authority, by and with the assent of the court, to determine the care,  
5 placement, medical services, psychiatric services, training, and  
6 expenditures on behalf of each juvenile committed to it. Any such  
7 association and the department shall be responsible for applying for any  
8 health insurance available to the juvenile, including, but not limited  
9 to, medical assistance under the Medical Assistance Act. Such custody and  
10 care shall not include the guardianship of any estate of the juvenile.

11 (2)(a) Following an adjudication hearing at which a juvenile is  
12 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the  
13 court may order the department to prepare and file with the court a  
14 proposed plan for the care, placement, services, and permanency which are  
15 to be provided to such juvenile and his or her family. The health and  
16 safety of the juvenile shall be the paramount concern in the proposed  
17 plan.

18 (b) The department shall provide opportunities for the child, in an  
19 age or developmentally appropriate manner, to be consulted in the  
20 development of his or her plan as provided in the Nebraska Strengthening  
21 Families Act.

22 (c) The department shall include in the plan for a child who is  
23 fourteen years of age or older and subject to the legal care and custody  
24 of the department a written independent living transition proposal which  
25 meets the requirements of section 43-1311.03 and, for eligible children,  
26 the Young Adult Bridge to Independence Act. The juvenile court shall  
27 provide a copy of the plan to all interested parties before the hearing.  
28 The court may approve the plan, modify the plan, order that an  
29 alternative plan be developed, or implement another plan that is in the  
30 child's best interests. In its order the court shall include a finding  
31 regarding the appropriateness of the programs and services described in  
1 the proposal designed to help the child prepare for the transition from  
2 foster care to a successful adulthood. The court shall also ask the  
3 child, in an age or developmentally appropriate manner, if he or she  
4 participated in the development of his or her plan and make a finding  
5 regarding the child's participation in the development of his or her plan  
6 as provided in the Nebraska Strengthening Families Act. The Nebraska  
7 Evidence Rules are not required to be applied ~~Rules of evidence shall not~~  
8 ~~apply~~ at the dispositional hearing when the court considers the plan that  
9 has been presented.

10 (d) The last court hearing before jurisdiction pursuant to  
11 subdivision (3)(a) of section 43-247 is terminated for a child who is  
12 sixteen years of age or older shall be called the independence hearing.  
13 In addition to other matters and requirements to be addressed at this  
14 hearing, the independence hearing shall address the child's future goals  
15 and plans and access to services and support for the transition from  
16 foster care to adulthood consistent with section 43-1311.03 and the Young  
17 Adult Bridge to Independence Act. The child shall not be required to  
18 attend the independence hearing, but efforts shall be made to encourage

19 and enable the child's attendance if the child wishes to attend,  
20 including scheduling the hearing at a time that permits the child's  
21 attendance. An independence coordinator as provided in section 43-4506  
22 shall attend the hearing if reasonably practicable, but the department is  
23 not required to have legal counsel present. At the independence hearing,  
24 the court shall advise the child about the bridge to independence  
25 program, including, if applicable, the right of young adults in the  
26 bridge to independence program to request a court-appointed, client-  
27 directed attorney under subsection (1) of section 43-4510 and the  
28 benefits and role of such attorney and to request additional permanency  
29 review hearings in the bridge to independence program under subsection  
30 (5) of section 43-4508 and how to request such a hearing. The court shall  
31 also advise the child, if applicable, of the rights he or she is giving  
1 up if he or she chooses not to participate in the bridge to independence  
2 program and the option to enter such program at any time between nineteen  
3 and twenty-one years of age if the child meets the eligibility  
4 requirements of section 43-4504. The department shall present information  
5 to the court regarding other community resources that may benefit the  
6 child, specifically information regarding state programs established  
7 pursuant to 42 U.S.C. 677. The court shall also make a finding as to  
8 whether the child has received the documents as required by subsection  
9 (9) of section 43-1311.03.

10 (3)(a) Within thirty days after an order awarding a juvenile to the  
11 care of the department, an association, or an individual and until the  
12 juvenile reaches the age of majority, the department, association, or  
13 individual shall file with the court a report stating the location of the  
14 juvenile's placement and the needs of the juvenile in order to effectuate  
15 the purposes of subdivision (1) of section 43-246. The department,  
16 association, or individual shall file a report with the court once every  
17 six months or at shorter intervals if ordered by the court or deemed  
18 appropriate by the department, association, or individual. Every six  
19 months, the report shall provide an updated statement regarding the  
20 eligibility of the juvenile for health insurance, including, but not  
21 limited to, medical assistance under the Medical Assistance Act. The  
22 department shall also concurrently file a written sibling placement  
23 report as described in subsection (3) of section 43-1311.02 at these  
24 times.

25 (b) The department, association, or individual shall file a report  
26 and notice of placement change with the court and shall send copies of  
27 the notice to all interested parties, including all of the child's  
28 siblings that are known to the department, at least seven days before the  
29 placement of the juvenile is changed from what the court originally  
30 considered to be a suitable family home or institution to some other  
31 custodial situation in order to effectuate the purposes of subdivision  
1 (1) of section 43-246. The department, association, or individual shall  
2 afford a parent or an adult sibling the option of refusing to receive  
3 such notifications. The court, on its own motion or upon the filing of an  
4 objection to the change by an interested party, may order a hearing to  
5 review such a change in placement and may order that the change be stayed

6 until the completion of the hearing. Nothing in this section shall  
7 prevent the court on an ex parte basis from approving an immediate change  
8 in placement upon good cause shown. The department may make an immediate  
9 change in placement without court approval only if the juvenile is in a  
10 harmful or dangerous situation or when the foster parents request that  
11 the juvenile be removed from their home. Approval of the court shall be  
12 sought within twenty-four hours after making the change in placement or  
13 as soon thereafter as possible.

14 (c) The department shall provide the juvenile's guardian ad litem  
15 with a copy of any report filed with the court by the department pursuant  
16 to this subsection.

17 (4) The court shall also hold a permanency hearing if required under  
18 section 43-1312.

19 (5) When the court awards a juvenile to the care of the department,  
20 an association, or an individual, then the department, association, or  
21 individual shall have standing as a party to file any pleading or motion,  
22 to be heard by the court with regard to such filings, and to be granted  
23 any review or relief requested in such filings consistent with the  
24 Nebraska Juvenile Code.

25 (6) Whenever a juvenile is in a foster care placement as defined in  
26 section 43-1301, the Foster Care Review Office or the designated local  
27 foster care review board may participate in proceedings concerning the  
28 juvenile as provided in section 43-1313 and notice shall be given as  
29 provided in section 43-1314.

30 (7) Any written findings or recommendations of the Foster Care  
31 Review Office or the designated local foster care review board with  
1 regard to a juvenile in a foster care placement submitted to a court  
2 having jurisdiction over such juvenile shall be admissible in any  
3 proceeding concerning such juvenile if such findings or recommendations  
4 have been provided to all other parties of record.

5 (8) The executive director and any agent or employee of the Foster  
6 Care Review Office or any member of any local foster care review board  
7 participating in an investigation or making any report pursuant to the  
8 Foster Care Review Act or participating in a judicial proceeding pursuant  
9 to this section shall be immune from any civil liability that would  
10 otherwise be incurred except for false statements negligently made.

11 Sec. 5. Original sections 43-256, 43-279, and 43-283, Reissue  
12 Revised Statutes of Nebraska, and section 43-285, Revised Statutes  
13 Cumulative Supplement, 2018, are repealed.

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

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

Senator Howard name added to LB15.

Senator M. Hansen name added to LB15.

Senator Quick name added to LB15.

Senator Bolz name added to LB15.

Senator Hunt name added to LB15.  
Senator Erdman name added to LB16.  
Senator Hunt name added to LB51.  
Senator Erdman name added to LB54.  
Senator Erdman name added to LB185.  
Senator Dorn name added to LB267.  
Senator Erdman name added to LB454.  
Senator Walz name added to LB642.  
Senator B. Hansen name added to LB720.

#### **ADJOURNMENT**

At 9:50 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, February 1, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - FEBRUARY 1, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 1, 2019

**PRAYER**

The prayer was offered by Senator DeBoer.

**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 Howard who was excused; and Senators Bolz, Friesen, M. Hansen, La Grone, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

January 22, 2019

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

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

Contingent upon your approval, the following individual is being appointed as the Chief Executive Officer of the Nebraska Department of Health and Human Services:

Dannette R. Smith, 301 Centennial Mall South, Lincoln, NE 68509

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 28, 2019

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

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

Contingent upon your approval, the following individual is being appointed and reappointed to the Nebraska Liquor Control Commission:

Harry Hoch, 911 North 43rd Avenue Circle, Omaha, NE 68154

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 28, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

Dwayne B. Probyn, 813 Western Hills Drive, Papillion, NE 68046

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 28, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Trent D. Kleinow, 3627 Sugarberry Road, North Platte, NE 69101

Also contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Richard Grauerholz, 508 North 17th Street, Ashland, NE 68003  
Tim Hofbauer, 2328 34th Street, Columbus, NE 68601

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

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

January 30, 2019

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

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

Please withdraw the following individual from consideration for confirmation of appointment to the Natural Resources Commission due to resignation:

Lindsey Smith, 941 North 10th Street, Broken Bow, NE 68822

(Signed) Sincerely,  
Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 122.** Placed on General File with amendment.

AM8

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

2 sections:

3 Section 1. Section 85-502.01, Revised Statutes Cumulative

4 Supplement, 2018, is amended to read:

5 85-502.01 (1) A person who enrolls in a public college or university  
6 in this state and who is a veteran as defined in Title 38 of the United  
7 States Code and was discharged or released from a period of not fewer  
8 than ninety days of service in the active military, naval, or air service  
9 less than three years before the date of initial enrollment, a spouse or  
10 dependent of such a veteran, or an eligible recipient entitled to  
11 educational assistance as provided in 38 U.S.C. 3319 while the transferor  
12 is on active duty in the uniformed services or as provided in 38 U.S.C.  
13 3311(b)(9), as such sections existed on the effective date of this act  
14 ~~January 1, 2017~~, shall be considered a resident student notwithstanding  
15 the provisions of section 85-502 if the person is (a) registered to vote  
16 in Nebraska and (b) demonstrates objective evidence of intent to be a  
17 resident of Nebraska, ~~except that a~~ ~~(2) A person who is otherwise~~  
18 ~~described in subsection (1) of this section and is under eighteen years~~  
19 ~~of age is not required to be registered to vote in Nebraska comply with~~  
20 ~~subdivision (1)(a) of this section.~~

21 (2) A person who enrolls in a public college or university in this  
22 state and who is a recipient of vocational rehabilitation program  
23 services as provided in 38 U.S.C. 3100 et seq., as such sections existed  
24 on the effective date of this act, shall be considered a resident student  
25 notwithstanding the provisions of section 85-502.

26 (3) For purposes of this section, objective evidence of intent to be  
27 a resident of Nebraska includes either a Nebraska driver's license or  
1 state identification card or a Nebraska motor vehicle registration.

2 Sec. 2. Original section 85-502.01, Revised Statutes Cumulative

3 Supplement, 2018, is repealed.

4 Sec. 3. Since an emergency exists, this act takes effect when

5 passed and approved according to law.

(Signed) Mike Groene, Chairperson

Judiciary

**LEGISLATIVE RESOLUTION 1CA.** Placed on General File.**LEGISLATIVE BILL 71.** Placed on General File.**LEGISLATIVE BILL 146.** Placed on General File.**LEGISLATIVE BILL 154.** Placed on General File.**LEGISLATIVE BILL 264.** Placed on General File.

**LEGISLATIVE BILL 7.** Placed on General File with amendment.

AM139

- 1 1. On page 2, line 22, after "and" insert "(i)"; in line 23 after
- 2 "performed" insert "or (ii) ownership is intended to be transferred"; and
- 3 strike beginning with the first comma in line 24 through the last comma
- 4 in line 25.

**LEGISLATIVE BILL 55.** Placed on General File with amendment.

AM47

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. Section 43-2101, Revised Statutes Cumulative Supplement,
- 3 2018, is amended to read:
- 4 43-2101 (1) All persons under nineteen years of age are declared to
- 5 be minors, but in case any person marries under the age of nineteen
- 6 years, his or her minority ends.
- 7 (2) Upon becoming the age of majority, a person is considered an
- 8 adult and acquires all rights and responsibilities granted or imposed by
- 9 statute or common law, except that a person:
- 10 (a) Eighteen ~~(1) eighteen~~ years of age or older and who is not a
- 11 ward of the state may:
- 12 (i) Enter ~~enter~~ into a binding contract or lease of whatever kind or
- 13 nature and shall be legally responsible ~~for such contract or lease; and~~
- 14 (ii) Acquire or convey title to real property and shall have legal
- 15 responsibility for such acquisition or conveyance, including legal
- 16 responsibility to third parties; and
- 17 (b) Eighteen ~~therefor and (2) eighteen~~ years of age or older may
- 18 consent to mental health services for himself or herself without the
- 19 consent of his or her parent or guardian.

**LEGISLATIVE BILL 47.** Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

Health and Human Services

**LEGISLATIVE BILL 22.** Placed on General File with amendment.

AM18

- 1 1. On page 3, line 18, after "Fund" insert "Funds collected as
- 2 part of a civil money penalty imposed by the Centers for Medicare and
- 3 Medicaid Services of the United States Department of Health and Human
- 4 Services as described in subsection (1) of this section shall be
- 5 distributed".

**LEGISLATIVE BILL 60.** Placed on General File with amendment.

AM17

- 1 1. On page 3, line 25, after "death" insert "and abusive head trauma
- 2 in infants and children"; and in line 27 strike "in the same bed", show
- 3 as stricken, and insert "on the same surface".

**LEGISLATIVE BILL 74.** Placed on General File with amendment.

AM91

1 1. On page 2, line 24, strike "tasks" and insert "acts, tasks,"; and  
 2 in line 28 strike "Working within the confines of a hospital" and insert  
 3 "Both certified pharmacy technicians are working within the confines of a  
 4 hospital preparing medications for administration in the hospital".

**LEGISLATIVE BILL 200.** Placed on General File with amendment.

AM90

1 1. On page 2, line 11, strike "alcoholism center", show as stricken,  
 2 and insert "mental health substance use treatment center".  
 3 2. On page 3, lines 4, 6, 8, and 10, strike each occurrence of  
 4 "alcoholism center" and insert "mental health substance use treatment  
 5 center"; after line 11 insert the following new subdivision:  
 6 "(a) Mental health substance use treatment center has the same  
 7 meaning as in section 71-423."; in line 12 strike "(a)" and insert "(b)";  
 8 and in line 15 strike "(b)" and insert "(c)".

(Signed) Sara Howard, Chairperson

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 31, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Amack, Angela K.  
 Airbnb, Inc.  
 League of Nebraska Municipalities  
 Bland, Jaime  
 Nebraska Health Information Initiative, Inc.  
 Bredenkamp, Troy  
 Renewable Fuels Nebraska  
 Clark, Jacqueline  
 Ash Grove Cement Company  
 CP Strategies LLC  
 KAAPA Ethanol, LLC  
 Fucik, Patrick  
 Sprint Corporation  
 Head, Craig J.

Nebraska Farm Bureau Federation  
 Hilton, Felicia  
 North Central States Regional Council of Carpenters  
 Jensen Rogert Associates, Inc.  
 AT&T, Inc.  
 Kissel Kohout ES Associates, LLC  
 Insurance Auto Auctions, Inc.  
 McDonald, Edison  
 Arc of Nebraska, The  
 Peetz & Company  
 CQuence Health Group  
 Rembolt Ludtke, LLP  
 American Society of Composers, Authors & Publishers  
 Rubel, Loralie  
 WellCare Health Plans, Inc. (Withdrawn 01/29/2019)  
 Rudd, Tyler  
 Wine Institute  
 Sauvinet, Dorothy C.  
 Southwest Airlines

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

Senator Wayne filed the following amendment to LB85:  
 AM117

(Amendments to Standing Committee amendments, AM66)

1 1. On page 2, line 23, strike "or"; and in line 26 after the  
 2 semicolon insert "or  
 3 (vi) An owner-occupied property with less than three residential  
 4 rental units;".

Senator Wayne filed the following amendment to LB193:  
 AM87

1 1. Insert the following new section:  
 2 Sec. 242. Section 77-2602, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 77-2602 (1) Every stamping agent engaged in distributing or selling  
 5 cigarettes at wholesale in this state shall pay to the Tax Commissioner  
 6 of this state a special privilege tax. This shall be in addition to all  
 7 other taxes. It shall be paid prior to or at the time of the sale, gift,  
 8 or delivery to the retail dealer in the several amounts as follows: On  
 9 each package of cigarettes containing not more than twenty cigarettes,  
 10 sixty-four cents per package; and on packages containing more than twenty  
 11 cigarettes, the same tax as provided on packages containing not more than  
 12 twenty cigarettes for the first twenty cigarettes in each package and a  
 13 tax of one-twentieth of the tax on the first twenty cigarettes on each  
 14 cigarette in excess of twenty cigarettes in each package.  
 15 (2) Beginning October 1, 2004, the State Treasurer shall place the  
 16 equivalent of forty-nine cents of such tax in the General Fund. The State  
 17 Treasurer shall reduce the amount placed in the General Fund under this  
 18 subsection by the amount prescribed in subdivision (3)(d) of this

19 section. For purposes of this section, the equivalent of a specified  
20 number of cents of the tax shall mean that portion of the proceeds of the  
21 tax equal to the specified number divided by the tax rate per package of  
22 cigarettes containing not more than twenty cigarettes.

23 (3) The State Treasurer shall distribute the remaining proceeds of  
24 such tax in the following order:

25 (a) First, beginning July 1, 1980, the State Treasurer shall place  
26 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation  
27 Development Cash Fund. For fiscal year distributions occurring after  
1 FY1998-99, the distribution under this subdivision shall not be less than  
2 the amount distributed under this subdivision for FY1997-98. Any money  
3 needed to increase the amount distributed under this subdivision to the  
4 FY1997-98 amount shall reduce the distribution to the General Fund;

5 (b) Second, beginning July 1, 1993, the State Treasurer shall place  
6 the equivalent of three cents of such tax in the Health and Human  
7 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal  
8 year distributions occurring after FY1998-99, the distribution under this  
9 subdivision shall not be less than the amount distributed under this  
10 subdivision for FY1997-98. Any money needed to increase the amount  
11 distributed under this subdivision to the FY1997-98 amount shall reduce  
12 the distribution to the General Fund;

13 (c) Third, beginning October 1, 2002, and continuing until all the  
14 purposes of the Deferred Building Renewal Act have been fulfilled, the  
15 State Treasurer shall place the equivalent of seven cents of such tax in  
16 the Building Renewal Allocation Fund. The distribution under this  
17 subdivision shall not be less than the amount distributed under this  
18 subdivision for FY1997-98. Any money needed to increase the amount  
19 distributed under this subdivision to the FY1997-98 amount shall reduce  
20 the distribution to the General Fund;

21 (d) Fourth, until July 1, 2009, the State Treasurer shall place in  
22 the Municipal Infrastructure Redevelopment Fund the sum of five hundred  
23 twenty thousand dollars each fiscal year to carry out the Municipal  
24 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate  
25 the sum of five hundred twenty thousand dollars each year for fiscal year  
26 2003-04 through fiscal year 2008-09;

27 (e) Fifth, beginning July 1, 2001, and continuing until June 30,  
28 2008, the State Treasurer shall place the equivalent of two cents of such  
29 tax in the Information Technology Infrastructure Fund. The distribution  
30 under this subdivision shall not be less than two million fifty thousand  
31 dollars. Any money needed to increase the amount distributed under this  
1 subdivision to two million fifty thousand dollars shall reduce the  
2 distribution to the General Fund;

3 ~~(f) Sixth, beginning July 1, 2001, and continuing until June 30,~~  
4 ~~2016, the State Treasurer shall place one million dollars each fiscal~~  
5 ~~year in the City of the Primary Class Development Fund. If necessary, the~~  
6 ~~State Treasurer shall reduce the distribution of tax proceeds to the~~  
7 ~~General Fund pursuant to subsection (2) of this section by such amount~~  
8 ~~required to fulfill the one million dollars to be distributed pursuant to~~  
9 ~~this subdivision;~~

10 ~~(g) Seventh, beginning July 1, 2001, and continuing until June 30,~~  
11 ~~2016, the State Treasurer shall place one million five hundred thousand~~  
12 ~~dollars each fiscal year in the City of the Metropolitan Class~~  
13 ~~Development Fund. If necessary, the State Treasurer shall reduce the~~  
14 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~  
15 ~~(2) of this section by such amount required to fulfill the one million~~  
16 ~~five hundred thousand dollars to be distributed pursuant to this~~  
17 ~~subdivision;~~

18 ~~(f) Sixth (h) Eighth, beginning July 1, 2008, and continuing until~~  
19 ~~June 30, 2009, the State Treasurer shall place the equivalent of two~~  
20 ~~million fifty thousand dollars of such tax in the Nebraska Public Safety~~  
21 ~~Communication System Cash Fund. Beginning July 1, 2009, and continuing~~  
22 ~~until June 30, 2016, the State Treasurer shall place the equivalent of~~  
23 ~~two million five hundred seventy thousand dollars of such tax in the~~  
24 ~~Nebraska Public Safety Communication System Cash Fund. Beginning July 1,~~  
25 ~~2016, and every fiscal year thereafter, the State Treasurer shall place~~  
26 ~~the equivalent of three million eight hundred twenty thousand dollars of~~  
27 ~~such tax in the Nebraska Public Safety Communication System Cash Fund. If~~  
28 ~~necessary, the State Treasurer shall reduce the distribution of tax~~  
29 ~~proceeds to the General Fund pursuant to subsection (2) of this section~~  
30 ~~by such amount required to fulfill the distribution pursuant to this~~  
31 ~~subdivision; and~~

1 ~~(g) Seventh (i) Ninth, beginning July 1, 2016, and every fiscal year~~  
2 ~~thereafter, the State Treasurer shall place the equivalent of one million~~  
3 ~~two hundred fifty thousand dollars of such tax in the Nebraska Health~~  
4 ~~Care Cash Fund. If necessary, the State Treasurer shall reduce the~~  
5 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~  
6 ~~(2) of this section by such amount required to fulfill the distribution~~  
7 ~~pursuant to this subdivision.~~

8 (4) If, after distributing the proceeds of such tax pursuant to  
9 subsections (2) and (3) of this section, any proceeds of such tax remain,  
10 the State Treasurer shall place such remainder in the Nebraska Capital  
11 Construction Fund.

12 (5) The Legislature hereby finds and determines that the projects  
13 funded from the Municipal Infrastructure Redevelopment Fund and the  
14 Building Renewal Allocation Fund are of critical importance to the State  
15 of Nebraska. It is the intent of the Legislature that the allocations and  
16 appropriations made by the Legislature to such funds or, in the case of  
17 allocations for the Municipal Infrastructure Redevelopment Fund, to the  
18 particular municipality's account not be reduced until all contracts and  
19 securities relating to the construction and financing of the projects or  
20 portions of the projects funded from such funds or accounts of such funds  
21 are completed or paid or, in the case of the Municipal Infrastructure  
22 Redevelopment Fund, the earlier of such date or July 1, 2009, and that  
23 until such time any reductions in the cigarette tax rate made by the  
24 Legislature shall be simultaneously accompanied by equivalent reductions  
25 in the amount dedicated to the General Fund from cigarette tax revenue.  
26 Any provision made by the Legislature for distribution of the proceeds of  
27 the cigarette tax for projects or programs other than those to (a) the

28 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,  
 29 (c) the Health and Human Services Cash Fund, (d) the Municipal  
 30 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation  
 31 Fund, (f) the Information Technology Infrastructure Fund, (g) ~~the City of~~  
 1 ~~the Primary Class Development Fund, (h) the City of the Metropolitan~~  
 2 ~~Class Development Fund, (i) the Nebraska Public Safety Communication~~  
 3 System Cash Fund, and (h) ~~(j)~~ the Nebraska Health Care Cash Fund shall  
 4 not be made a higher priority than or an equal priority to any of the  
 5 programs or projects specified in subdivisions (a) through (h) ~~(j)~~ of  
 6 this subsection.

7 2. On page 42, line 1; and page 43, line 11, strike "section" and  
 8 insert "sections" and after "19-702" insert "and 19-703".

9 3. On page 47, line 21, after the comma insert "as such section  
 10 existed prior to its repeal by Laws 1967, c. 92, section 7,".

11 4. On page 53, line 29, after "misdemeanor" insert "punishable as  
 12 provided in section 19-913".

13 5. On page 58, line 25, strike the comma and show as stricken; in  
 14 line 26 after "duties" insert "of a board of adjustment", strike  
 15 "therein" and show as stricken, and strike "the board of adjustment",  
 16 show as stricken, and insert "in such sections"; in line 27 strike  
 17 "therein" and show as stricken; and in line 28 after "for" insert "in  
 18 such sections".

19 6. On page 63, line 21, strike both commas, show as stricken, and  
 20 after "and" insert "such"; in line 22 strike "the" and show as stricken;  
 21 and strike the new matter in lines 22 and 23.

22 7. On page 75, line 30, strike "or" and insert an underscored comma  
 23 and after "trustees" insert ", or county board".

24 8. Renumber the remaining sections and correct the repealer  
 25 accordingly.

Senator Walz filed the following amendment to LB468:

AM46

1 1. On page 2, line 6, strike "2020" and insert "2022"; in lines 9  
 2 and 10 strike "any additional service or population" and insert "long-  
 3 term care services and supports"; and in lines 10 and 11 strike "in  
 4 effect on January 1, 2017" and insert ". For purposes of this section,  
 5 long-term care services and supports includes services of a skilled  
 6 nursing facility, a nursing facility, and an assisted-living facility and  
 7 home and community-based services".

#### **MOTION(S) - Confirmation Report(s)**

Senator Brewer moved the adoption of the Government, Military and  
 Veterans Affairs Committee report for the confirmation of the following  
 appointment(s) found on page 362:

Department of Administrative Services  
 Jason Jackson, Director

Voting in the affirmative, 42:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Hughes	McCollister	Walz
Bostelman	Erdman	Hunt	McDonnell	Wayne
Brandt	Friesen	Kolowski	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Groene	Stinner
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Excused and not voting, 4:

Bolz	Hansen, M.	Howard	Morfeld
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The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 362:

Nebraska State Fire Marshal  
Christopher Cantrell

Voting in the affirmative, 41:

Albrecht	Crawford	Hilgers	Lowe	Vargas
Arch	DeBoer	Hilkemann	McCollister	Walz
Blood	Dorn	Hughes	McDonnell	Wayne
Bostelman	Erdman	Hunt	Moser	Williams
Brandt	Friesen	Kolowski	Murman	Wishart
Brewer	Geist	Kolterman	Pansing Brooks	
Briese	Gragert	La Grone	Quick	
Cavanaugh	Halloran	Lindstrom	Scheer	
Clements	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Groene	Lathrop	Morfeld	Stinner
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Excused and not voting, 3:

Bolz Hansen, M. Howard

The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 367:

Nebraska Investment Council  
Gail Werner-Robertson

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, B.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Moser	Wayne
Brewer	Geist	Kolowski	Murman	Williams
Briese	Gragert	Kolterman	Pansing Brooks	
Cavanaugh	Groene	Lathrop	Quick	
Clements	Halloran	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Chambers La Grone Morfeld Wishart

Excused and not voting, 3:

Bolz Hansen, M. Howard

The appointment was confirmed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 367:

Public Employees Retirement Board  
Allen Simpson

Voting in the affirmative, 45:

Albrecht	Chambers	Groene	Kolterman	Pansing Brooks
Arch	Clements	Halloran	Lathrop	Quick
Blood	Crawford	Hansen, B.	Lindstrom	Scheer
Bolz	DeBoer	Hansen, M.	Linehan	Slama
Bostelman	Dorn	Hilgers	Lowe	Stinner
Brandt	Erdman	Hilkemann	McCollister	Vargas
Brewer	Friesen	Hughes	McDonnell	Wayne
Briese	Geist	Hunt	Moser	Williams
Cavanaugh	Gragert	Kolowski	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 3:

La Grone      Morfeld      Walz

Excused and not voting, 1:

Howard

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 18.** Introduced by Kolterman, 24.

WHEREAS, the Nebraska Association of Elementary School Principals (NeAESP) has named Principal Kris Friesen of York Elementary School as the National Distinguished Principal from Nebraska for 2019; and

WHEREAS, established in 1984, the National Distinguished Principal program recognizes principals for setting high standards for instruction, student achievement, character, and educational climate in their schools while making outstanding contributions to the larger community and to the education profession; and

WHEREAS, known for her enthusiasm and creativity, Principal Friesen emphasizes the importance of positive relationships with students, staff, and families with initiatives like the Duke Pride Awards, All Stars, Friday spirit rallies, cross grade level matchups to encourage students during testing, and One School-One Book; and

WHEREAS, the leadership of Principal Friesen in building systems for academic interventions and meeting social-emotional needs, in structuring early childhood partnerships with Head Start and the Nebraska Correctional Center for Women, and in developing and implementing new math and reading curricula has resulted in annual gains and an all-time high in achievement scores for her students; and

WHEREAS, Principal Friesen has demonstrated her dedication to improving the education profession as the President and Past President of NeAESP Region 1 and as a member of the National Association of

Elementary School Principals, Nebraska Council of School Administrators, Association for Supervision and Curriculum Development, HOPE Squad, and Alpha Delta Kappa; and

WHEREAS, Principal Friesen will represent Nebraska at the 2019 National Distinguished Principal celebration this October in Washington, D.C.

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

1. That the Legislature congratulates Principal Kris Friesen on being named the National Distinguished Principal from Nebraska for 2019.
2. That the Legislature congratulates Principal Friesen for her accomplishments at York Elementary School.
3. That a copy of this resolution be sent to Principal Friesen.

Laid over.

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

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

**LEGISLATIVE BILL 33A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

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

Natural Resources

**LEGISLATIVE BILL 302.** Placed on General File.

**LEGISLATIVE BILL 307.** Placed on General File.

(Signed) Dan Hughes, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Final Reading.

**LEGISLATIVE BILL 2.** Placed on Final Reading.

**LEGISLATIVE BILL 3.** Placed on Final Reading.

**LEGISLATIVE BILL 12.** Placed on Final Reading.

**LEGISLATIVE BILL 26.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 42.** Title read. Considered.

Committee AM67, found on page 361, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 115.** Title read. Considered.

Committee AM39, found on page 365, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 188.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 258.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 259.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 355.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 56.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 75.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 11.** Title read. Considered.

Senator Blood moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 24 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 57.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 121.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 66.** Title read. Considered.

Committee AM56, found on page 366, was offered.

Pending.

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

**LEGISLATIVE RESOLUTION 19.** Introduced by Bolz, 29; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Susanne "Susie" Blue received her bachelor's degree in public affairs and community service from the University of Nebraska-Lincoln and Master of Social Work from the University of Nebraska at Omaha; and

WHEREAS, Susanne Blue was appointed as the first Executive Director of Matt Talbot Kitchen and Outreach in 1999; and

WHEREAS, Matt Talbot Kitchen and Outreach was established to serve meals to those in need with a spirit of dignity and love; and

WHEREAS, Matt Talbot Kitchen and Outreach began by serving Saturday evening meals in September of 1992 and now serves almost three hundred meals each day; and

WHEREAS, Matt Talbot Kitchen and Outreach served its two millionth meal in 2016; and

WHEREAS, Matt Talbot Kitchen and Outreach also works to address safe and stable housing needs for Lancaster county residents and provides showers, haircuts, and laundry services for the homeless; and

WHEREAS, as of 2017, Matt Talbot Kitchen and Outreach was coordinating over thirty-three thousand volunteer hours annually; and

WHEREAS, Susanne Blue is celebrating twenty years as Executive Director of Matt Talbot Kitchen and Outreach.

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

1. That the Nebraska Legislature congratulates and thanks Susanne Blue for twenty years of service to the community.
2. That a copy of this resolution be sent to Susanne Blue.

Laid over.

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

Senator Friesen filed the following amendment to LB82:

AM122

1. On page 5, line 31; and page 6, line 1, after "plan" insert "or program".
2. On page 13, line 3, strike "or programs" and insert "programs, or standards"; in line 5 strike "standards or programs" and insert "plans, programs, or standards"; in line 8 strike "and" and insert "programs, or"; in line 12 strike "and programs" and insert "programs, and standards"; and in line 14 after the second comma insert "or standards".

**COMMITTEE REPORT(S)**

Education

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

Robert Henson - Technical Advisory Committee for Statewide Assessment  
 Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment  
 Linda Poole - Technical Advisory Committee for Statewide Assessment

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

(Signed) Mike Groene, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1507

Tuesday, February 12, 2019 12:00 p.m.

LB36

LB565

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 256.** Placed on General File.

(Signed) Mike Groene, Chairperson

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

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

Senator Clements name added to LB12.  
Senator Pansing Brooks name added to LB55.  
Senator Bolz name added to LB66.  
Senator Hunt name added to LB115.  
Senator Lowe name added to LB172.  
Senator Erdman name added to LB198.  
Senator McDonnell name added to LB256.  
Senator Lowe name added to LB450.

**VISITOR(S)**

Visitors to the Chamber were students and a teacher from Peru State College; Sarah Thompson from Lincoln; and a homeschool group from York.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Monday, February 4, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTEENTH DAY - FEBRUARY 4, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 4, 2019

**PRAYER**

The prayer was offered by Reverend Bud Heckman, Tri-Faith Ministries, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR Committee**

LR16 Executive Board

Grauerholz, Richard - State Emergency Response Commission -  
Government, Military and Veterans Affairs

Hoch, Harry - Nebraska Liquor Control Commission - General Affairs

Hofbauer, Tim - State Emergency Response Commission - Government,  
Military and Veterans Affairs

Kleinow, Trent D. - State Emergency Response Commission - Government,  
Military and Veterans Affairs

Probyn, Dwayne B. - Board of Educational Lands and Funds - Education

Smith, Dannette R. - Chief Executive Officer - Department of Health and  
Human Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Monday, February 11, 2019 1:30 p.m.

LB147  
LB515  
LB495

(Signed) Mike Groene, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 61.** Placed on Select File with amendment.

ER8

- 1 1. On page 1, line 1, strike "71-4402, "; and in line 2 after the
- 2 first comma insert "71-4403,".
- 3 2. On page 7, line 8, strike "71-4402," and after "71-4402.03,"
- 4 insert "71-4403, "; and in line 10 strike "sections" and insert "section".

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR17 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR17.

**GENERAL FILE****LEGISLATIVE BILL 33A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**SELECT FILE****LEGISLATIVE BILL 117.** Advanced to Enrollment and Review for Engrossment.**LEGISLATIVE BILL 79.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 82.** ER4, found on page 374, was adopted.

Senator Friesen offered his amendment, AM122, found on page 401.

The Friesen amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 190.** ER5, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 33.** ER7, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 66.** Committee AM56, found on page 366 and considered on page 400, was renewed.

Senator M. Hansen offered the following amendment to the committee amendment:

AM151

(Amendments to Standing Committee amendments, AM56)

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

2 insert the following new sections:

3 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 14-403.01 (1) When a city of the metropolitan class adopts a new  
6 comprehensive plan or a full update to an existing comprehensive plan on  
7 or after July 15, 2010, but not later than January 1, 2015, such plan or  
8 update shall include, but not be limited to, an energy element which:  
9 Assesses energy infrastructure and energy use by sector, including  
10 residential, commercial, and industrial sectors; evaluates utilization of  
11 renewable energy sources; and promotes energy conservation measures that  
12 benefit the community.

13 (2) When a city of the metropolitan class adopts a new comprehensive  
14 plan or a full update to an existing comprehensive plan on or after the  
15 effective date of this act, such plan or update shall include an early  
16 childhood education element.

17 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 15-1102 (1) The general plan for the improvement and development of  
20 the city of the primary class shall be known as the comprehensive plan.

21 This plan for governmental policies and action shall include the pattern

22 and intensity of land use, the provision of public facilities including  
 23 transportation and other governmental services, the effective development  
 24 and utilization of human and natural resources, the identification and  
 25 evaluation of area needs including housing, employment, education,  
 26 including early childhood education, and health and the formulation of  
 1 programs to meet such needs, surveys of structures and sites determined  
 2 to be of historic, cultural, archaeological, or architectural  
 3 significance or value, long-range physical and fiscal plans for  
 4 governmental policies and action, and coordination of all related plans  
 5 and activities of the state and local governments and agencies concerned.  
 6 The comprehensive plan, with the accompanying maps, plats, charts, and  
 7 descriptive and explanatory materials, shall show the recommendations  
 8 concerning the physical development pattern of such city and of any land  
 9 outside its boundaries related thereto, taking into account the  
 10 availability of and need for conserving land and other irreplaceable  
 11 natural resources, the preservation of sites of historic, cultural,  
 12 archaeological, and architectural significance or value, the projected  
 13 changes in size, movement, and composition of population, the necessity  
 14 for expanding housing and employment opportunities, and the need for  
 15 methods of achieving modernization, simplification, and improvements in  
 16 governmental structures, systems, and procedures related to growth  
 17 objectives. The comprehensive plan shall, among other things, show:  
 18 (a) ~~(1)~~ The general location, character, and extent of existing and  
 19 proposed streets and highways and railroad, air, and other transportation  
 20 routes and terminals;  
 21 (b) ~~(2)~~ Existing and proposed public ways, parks, grounds, and open  
 22 spaces;  
 23 (c) ~~(3)~~ The general location, character, and extent of schools,  
 24 school grounds, and other educational facilities and properties,  
 25 including educational facilities and properties used for early childhood  
 26 education programs;  
 27 (d) ~~(4)~~ The general location and extent of existing and proposed  
 28 public utility installations;  
 29 (e) ~~(5)~~ The general location and extent of community development and  
 30 housing activities;  
 31 (f) ~~(6)~~ The general location of existing and proposed public  
 1 buildings, structures, and facilities; and  
 2 (g) ~~(7)~~ When a new comprehensive plan or a full update to an  
 3 existing comprehensive plan is developed on or after July 15, 2010, but  
 4 not later than January 1, 2015, an energy element which: Assesses energy  
 5 infrastructure and energy use by sector, including residential,  
 6 commercial, and industrial sectors; evaluates utilization of renewable  
 7 energy sources; and promotes energy conservation measures that benefit  
 8 the community.  
 9 (2) The comprehensive plan shall include a land-use plan showing the  
 10 proposed general distribution and general location of business and  
 11 industry, residential areas, utilities, and recreational, educational,  
 12 and other categories of public and private land uses. For purposes of  
 13 this subsection, educational land uses includes land used for early

14 childhood education programs. The land-use plan shall also show the  
15 recommended standards of population density based upon population  
16 estimates and providing for activities for which space should be supplied  
17 within the area covered by the plan. The comprehensive plan shall include  
18 and show proposals for acquisition, extension, widening, narrowing,  
19 removal, vacation, abandonment, sale, and other actions affecting public  
20 improvements.

21 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-903 (1) The regulations and restrictions authorized by sections  
24 19-901 to 19-915 shall be in accordance with a comprehensive development  
25 plan which shall consist of both graphic and textual material and shall  
26 be designed to accommodate anticipated long-range future growth which  
27 shall be based upon documented population and economic projections. The  
28 comprehensive development plan shall, among other possible elements,  
29 include:

30 (a) ~~(1)~~ A land-use element which designates the proposed general  
31 distributions, general location, and extent of the uses of land for  
1 agriculture, housing, commerce, industry, recreation, education, public  
2 buildings and lands, and other categories of public and private use of  
3 land. For purposes of this subdivision, use of land for education  
4 includes land used for early childhood education programs;

5 (b) ~~(2)~~ The general location, character, and extent of existing and  
6 proposed major roads, streets, and highways, and air and other  
7 transportation routes and facilities;

8 (c) ~~(3)~~ The general location, type, capacity, and area served of  
9 present and projected or needed community facilities including recreation  
10 facilities, schools, early childhood education facilities, libraries,  
11 other public buildings, and public utilities and services;

12 (d) ~~(4)~~ When a new comprehensive plan or a full update to an  
13 existing comprehensive plan is developed on or after July 15, 2010, but  
14 not later than January 1, 2015, an energy element which: Assesses energy  
15 infrastructure and energy use by sector, including residential,  
16 commercial, and industrial sectors; evaluates utilization of renewable  
17 energy sources; and promotes energy conservation measures that benefit  
18 the community. This subdivision shall not apply to villages; and

19 (e)(i) ~~(5)(a)~~ When next amended after January 1, 1995, an  
20 identification of sanitary and improvement districts, subdivisions,  
21 industrial tracts, commercial tracts, and other discrete developed areas  
22 which are or in the future may be appropriate subjects for annexation and  
23 (ii) ~~(b)~~ a general review of the standards and qualifications that should  
24 be met to enable the municipality to undertake annexation of such areas.  
25 Failure of the plan to identify subjects for annexation or to set out  
26 standards or qualifications for annexation shall not serve as the basis  
27 for any challenge to the validity of an annexation ordinance.

28 (2) Regulations shall be designed to lessen congestion in the  
29 streets; to secure safety from fire, panic, and other dangers; to promote  
30 health and the general welfare; to provide adequate light and air; to  
31 prevent the overcrowding of land; to secure safety from flood; to avoid

1 undue concentration of population; to facilitate the adequate provision  
 2 of transportation, water, sewerage, schools, early childhood education,  
 3 parks and other public requirements; to protect property against blight  
 4 and depreciation; to protect the tax base; to secure economy in  
 5 governmental expenditures; and to preserve, protect, and enhance historic  
 6 buildings, places, and districts.  
 7 (3) Such regulations shall be made with reasonable consideration,  
 8 among other things, for the character of the district and its peculiar  
 9 suitability for particular uses and with a view to conserving the value  
 10 of buildings and encouraging the most appropriate use of land throughout  
 11 such municipality.  
 12 Sec. 4. Original sections 14-403.01, 15-1102, and 19-903, Reissue  
 13 Revised Statutes of Nebraska, are repealed.

Senator M. Hansen moved for a call of the house. The motion prevailed with  
 30 ayes, 2 nays, and 17 not voting.

Senator M. Hansen requested a roll call vote, in reverse order, on his  
 amendment.

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 16:

Albrecht	Clements	Gragert	Lowe
Bostelman	Erdman	Groene	Moser
Brewer	Friesen	Hughes	Murman
Briese	Geist	Linehan	Slama

Present and not voting, 13:

Arch	Halloran	Hilkemann	Lindstrom	Williams
Brandt	Hansen, B.	Kolterman	Scheer	
Dorn	Hilgers	La Grone	Stinner	

Excused and not voting, 1:

Wayne

The M. Hansen amendment lost with 19 ayes, 16 nays, 13 present and not  
 voting, and 1 excused and not voting.

The Chair declared the call raised.

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

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

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 10:

Albrecht	Briese	Erdman	Geist	Groene
Brewer	Clements	Friesen	Gragert	Linehan

Present and not voting, 19:

Arch	Halloran	Hughes	Lowe	Slama
Bostelman	Hansen, B.	Kolterman	Moser	Stinner
Brandt	Hilgers	La Grone	Murman	Williams
Dorn	Hilkemann	Lindstrom	Scheer	

Excused and not voting, 1:

Wayne

The committee amendment lost with 19 ayes, 10 nays, 19 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 23:

Albrecht	Clements	Gragert	La Grone	Murman
Arch	Dorn	Groene	Lindstrom	Scheer
Bostelman	Erdman	Halloran	Linehan	Slama
Brewer	Friesen	Hansen, B.	Lowe	
Briese	Geist	Hughes	Moser	

Present and not voting, 6:

Brandt	Hilkemann	Stinner
Hilgers	Kolterman	Williams

Excused and not voting, 1:

Wayne

Failed to advance to Enrollment and Review Initial with 19 ayes, 23 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 63.** Title read. Considered.

Committee AM77, found on page 366, was offered.

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

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

Senator Chambers offered the following motion:

MO5

Reconsider the vote taken on AM77.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

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

Voting in the affirmative, 3:

Chambers	Kolowski	Wayne
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Voting in the negative, 42:

Albrecht	DeBoer	Hansen, M.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Blood	Erdman	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Hunt	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lindstrom	Quick	
Clements	Hansen, B.	Linehan	Scheer	

Present and not voting, 3:

Bolz            Crawford        Lathrop

Excused and not voting, 1:

Howard

The Chambers motion to reconsider failed with 3 ayes, 42 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

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

Enrollment and Review

**LEGISLATIVE BILL 49.** Placed on Final Reading.

**LEGISLATIVE BILL 67.** Placed on Final Reading.

**LEGISLATIVE BILL 77.** Placed on Final Reading.

ST1

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "and" has been stricken and "76-3203, 76-3203.01, 76-3204, and 76-3216," inserted after the last comma.
2. On page 14, line 15, "the" has been inserted after "of".

(Signed) Julie Slama, Chairperson

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

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 13, 2019 1:30 p.m.

LB415

LB375  
LB385  
LB447

Thursday, February 14, 2019 1:30 p.m.

LB381  
LB411  
LB511  
LB109

(Signed) Tom Brewer, Chairperson

General Affairs

Room 1510

Monday, February 11, 2019 1:30 p.m.

Todd Zohner - Nebraska Commission on Problem Gambling  
LB635  
LB538  
LB584

(Signed) Tom Briese, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 33A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 111.** Placed on General File.

**LEGISLATIVE BILL 192.** Placed on General File.

**LEGISLATIVE BILL 80.** Placed on General File with amendment.

AM72

1 1. On page 4, lines 2 and 3, strike "a photograph or digital image"  
2 and insert "one or more photographs or digital images".

**LEGISLATIVE BILL 81.** Placed on General File with amendment.

AM73

1 1. On page 3, line 1, strike "or" and show as stricken; and in line  
2 3 after "crossing" insert "₂"  
3 (e) A stop sign is erected at such crossing; or

4 (f) A passive warning device is located at or in advance of such  
5 crossing and an approaching railroad train or on-track equipment is  
6 audible as described in subdivision (c) of this subsection or plainly  
7 visible and in hazardous proximity to such crossing. For purposes of this  
8 subdivision, passive warning device means the type of traffic control  
9 device, including a sign, marking, or other device, located at or in  
10 advance of a railroad grade crossing to indicate the presence of such  
11 crossing but which does not change aspect upon the approach or presence  
12 of a railroad train or on-track equipment".

(Signed) Curt Friesen, Chairperson

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

Senator Chambers filed the following amendment to LB63:

FA1

Page 5, line 21, strike "at least" and insert "no more than."

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

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

Senator Crawford name added to LB15.

Senator Albrecht name added to LB41.

Senator Hunt name added to LB283.

Senator Erdman name added to LB445.

Senator Quick name added to LB477.

Senator Kolterman name added to LB604.

Senator Kolterman name added to LB605.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINETEENTH DAY - FEBRUARY 5, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 5, 2019

**PRAYER**

The prayer was offered by Pastor Bill Reeves, North Platte Baptist Church.

**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 Briese, M. Hansen, Morfeld, Slama, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 214.** Placed on General File.

**LEGISLATIVE BILL 52.** Placed on General File with amendment.  
AM120

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 85-1807, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 85-1807 (1) The State Treasurer shall deposit money received by the
- 5 Nebraska educational savings plan trust into three funds: The College
- 6 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the
- 7 College Savings Plan Administrative Fund. The State Treasurer shall
- 8 deposit money received by the trust into the appropriate fund. The State
- 9 Treasurer and Accounting Administrator of the Department of
- 10 Administrative Services shall determine the state fund types necessary to
- 11 comply with section 529 of the Internal Revenue Code and state policy.
- 12 The money in the funds shall be invested by the state investment officer
- 13 pursuant to policies established by the Nebraska Investment Council. The
- 14 program fund, the expense fund, and the administrative fund shall be

15 separately administered. The Nebraska educational savings plan trust  
16 shall be operated with no General Fund appropriations.

17 (2) The College Savings Plan Program Fund is created. All money paid  
18 by participants in connection with participation agreements and all  
19 investment income earned on such money shall be deposited as received  
20 into separate accounts within the program fund. Contributions to the  
21 trust made by participants may only be made in the form of cash. All  
22 funds generated in connection with participation agreements shall be  
23 deposited into the appropriate accounts within the program fund. A  
24 participant or beneficiary shall not provide investment direction  
25 regarding program contributions or earnings held by the trust. Money  
26 accrued by participants in the program fund may be used for payments to  
27 any eligible educational institution. Any money in the program fund  
1 available for investment shall be invested by the state investment  
2 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
3 State Funds Investment Act.

4 (3) The College Savings Plan Administrative Fund is created. Money  
5 from the trust transferred from the expense fund to the administrative  
6 fund in an amount authorized by an appropriation from the Legislature  
7 shall be utilized to pay for the costs of administering, operating, and  
8 maintaining the trust, to the extent permitted by section 529 of the  
9 Internal Revenue Code. The administrative fund shall not be credited with  
10 any money other than money transferred from the expense fund in an amount  
11 authorized by an appropriation by the Legislature or any interest income  
12 earned on the balances held in the administrative fund. Any money in the  
13 administrative fund available for investment shall be invested by the  
14 state investment officer pursuant to the Nebraska Capital Expansion Act  
15 and the Nebraska State Funds Investment Act.

16 (4) The College Savings Plan Expense Fund is created. The expense  
17 fund shall be used to pay costs associated with the Nebraska educational  
18 savings plan trust and shall be funded with fees assessed to the program  
19 fund. The State Treasurer shall transfer from the expense fund to the  
20 State Investment Officer's Cash Fund an amount equal to the pro rata  
21 share of the budget appropriated to the Nebraska Investment Council as  
22 permitted in section 72-1249.02, to cover reasonable expenses incurred  
23 for investment management of the Nebraska educational savings plan trust.  
24 Annually and prior to such transfer to the State Investment Officer's  
25 Cash Fund, the State Treasurer shall report to the budget division of the  
26 Department of Administrative Services and to the Legislative Fiscal  
27 Analyst the amounts transferred during the previous fiscal year. The  
28 report submitted to the Legislative Fiscal Analyst shall be submitted  
29 electronically. ~~Transfers may be made from the expense fund to the~~  
30 ~~General Fund at the direction of the Legislature.~~ Any money in the  
31 expense fund available for investment shall be invested by the state  
1 investment officer pursuant to the Nebraska Capital Expansion Act and the  
2 Nebraska State Funds Investment Act.

3 Sec. 3. Section 85-1813, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 85-1813 The assets of the Nebraska educational savings plan trust,  
6 including the program fund and excluding the administrative fund and the

7 expense fund, shall at all times be preserved, invested, and expended  
 8 solely and only for the purposes of the trust and shall be held in trust  
 9 for the participants and beneficiaries. No property rights in the trust  
 10 shall exist in favor of the state. ~~Assets~~ ~~Such assets~~ of the trust,  
 11 including the program fund, the administrative fund, and the expense  
 12 fund, shall not be transferred or used by the state for any purposes  
 13 other than the purposes of the trust.  
 14 Sec. 4. Original sections 85-1807 and 85-1813, Reissue Revised  
 15 Statutes of Nebraska, are repealed.  
 16 2. On page 2, line 4, strike the second "and"; in line 7 strike  
 17 "appropriated" and insert "used"; and in line 8 after "funds" insert ";  
 18 and  
 19 (c) Trust funds means all trust funds identified by Nebraska  
 20 statutes, all funds pledged for the payment of bonds, all accounts held  
 21 by a trustee related to a bond issue, and all funds held related to a  
 22 lease financing or other similar financing".

**LEGISLATIVE BILL 152.** Placed on General File with amendment.  
 AM96

1 1. On page 2, line 13, after "84-712.05" insert ", if the member is  
 2 acting as a law enforcement officer pursuant to subdivision (3) of this  
 3 section".

**LEGISLATIVE BILL 186.** Placed on General File with amendment.  
 AM111

1 1. Insert the following new section:  
 2 Sec. 24. Section 86-611, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 86-611 (1) It is the intent of the Legislature to promote economic  
 5 growth and the efficient operation of business and government in Nebraska  
 6 through the electronic exchange of information and legally binding  
 7 electronic transactions. In order to facilitate the electronic exchange  
 8 of information, Nebraska must establish means to ensure that electronic  
 9 transactions are legally binding and enforceable, while ensuring that  
 10 security measures are in place to prevent opportunities for fraud and  
 11 misuse.  
 12 (2) In any written communication in which a signature is required or  
 13 used, any party to the communication may affix a signature by use of a  
 14 digital signature that complies with the requirements of this section.  
 15 The use of a digital signature shall have the same force and effect as  
 16 the use of a manual signature if and only if it embodies all of the  
 17 following attributes:  
 18 (a) It is unique to the person using it;  
 19 (b) It is capable of verification;  
 20 (c) It is under the sole control of the person using it;  
 21 (d) It is linked to data in such a manner that if the data is  
 22 changed, the digital signature is invalidated; and  
 23 (e) It conforms to rules and regulations adopted and promulgated by  
 24 the Secretary of State.  
 25 (3) In any communication in which a signature is required or used, a

26 state agency or political subdivision may accept a digital signature or  
 27 an electronic signature and may accept the communication in electronic  
 1 format. Any use of a digital signature, an electronic signature, or an  
 2 electronic communication by a court is subject to the rules of the  
 3 Supreme Court.

4 (4) The Secretary of State shall adopt and promulgate rules and  
 5 regulations to carry out this section which:

6 (a) Identify and define the type of signature which may be used in  
 7 the electronic communications governed by the rules and regulations;

8 (b) Identify and define the type of electronic communications for  
 9 which a digital signature or an electronic signature may be used; and

10 (c) Provide a degree of security reasonably related to the risks and  
 11 consequences of fraud or misuse for the type of electronic communication  
 12 which, at a minimum, shall require the maintenance of an audit trail of  
 13 the assignment or approval and the use of the unique access code or  
 14 unique electronic identifier.

15 (5) This section shall not be construed to invalidate digital  
 16 signatures, electronic signatures, or electronic communications which are  
 17 valid under any other applicable law.

18 (6) Unless otherwise provided by law, the use or acceptance of a  
 19 digital signature or an electronic signature shall be at the option of  
 20 the parties to the communication. This section shall not be construed to  
 21 require a person to use or permit the use of a digital signature or  
 22 electronic signature.

23 (7) In developing the rules and regulations, the Secretary of State  
 24 shall seek the advice of public and private entities, including the  
 25 Department of Administrative Services.

26 (8) The register of deeds or county clerk of each county shall  
 27 provide one or more electronic recording services for the purpose of  
 28 accepting electronically submitted real estate documents for recording.

29 (9) (8) For purposes of this section:

30 (a) Electronic signature means a unique access code or other unique  
 31 electronic identifier assigned or approved by the state agency for use in  
 1 communications with the state agency;

2 (b) Digital signature means an electronic identifier, created by  
 3 computer, intended by the person using it to have the same force and  
 4 effect as a manual signature; and

5 (c) State agency means any agency, board, court, or constitutional  
 6 officer of the executive, judicial, and legislative branches of state  
 7 government, except individual members of the Legislature.

8 2. On page 4, line 15, strike "January" and insert "July".

9 3. On page 7, line 9, strike "seven" and insert "ten".

10 4. On page 12, strike beginning with "be" in line 7 through  
 11 "measuring" in line 8, show as stricken, and insert "measure"; and in  
 12 line 10 after "on" insert "a white background if submitted electronically  
 13 or on".

14 5. On page 13, lines 1 through 3, strike the new matter and  
 15 reinstate the stricken matter.

16 6. On page 17, line 9, strike "January" and insert "July".

17 7. Renumber the remaining sections and correct the repealer

18 accordingly.

**LEGISLATIVE BILL 223.** Placed on General File with amendment.

AM61

1 1. Strike the original section and insert the following new section:

2 Section 1. (1) For purposes of this section, state-sponsored life  
3 insurance program means the life insurance program exclusively offered to  
4 all members of the Nebraska National Guard through the National Guard  
5 Association of Nebraska pursuant to the federal Veterans' Insurance Act  
6 of 1974, Public Law 93-289.

7 (2) Pursuant to this section, the Adjutant General shall:

8 (a) Allow efforts to make the state-sponsored life insurance program  
9 available to all members of the Nebraska National Guard;

10 (b) Provide an opportunity for members of the Nebraska National  
11 Guard to purchase state-sponsored life insurance program products; and

12 (c) Allow state-sponsored life insurance program representatives to  
13 provide Nebraska National Guard members with state-sponsored life  
14 insurance program briefings during annual training and inactive duty  
15 training periods to educate members on the state-sponsored life insurance  
16 program.

(Signed) Tom Brewer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Wednesday, February 13, 2019 1:30 p.m.

LB282  
LB335  
LB457  
LB500  
LB579  
LB646

Thursday, February 14, 2019 1:30 p.m.

LB132  
LB230  
LB390  
LB391  
LB589  
LB651

Wednesday, February 20, 2019 1:30 p.m.

LB240  
LB510  
LB548  
LB553  
LB649  
LB659

Thursday, February 21, 2019 1:30 p.m.

LB421  
LB474  
LB514  
LB533  
LB593  
LB621

Friday, February 22, 2019 1:30 p.m.

LB43  
LB249  
LB516  
LB532  
LB539  
LB680

(Signed) Steve Lathrop, Chairperson

Health and Human Services

Room 1510

Wednesday, February 13, 2019 1:00 p.m.

Division of Behavioral Health Briefing

Wednesday, February 13, 2019 1:30 p.m.

LB556  
LB557  
LB567

Thursday, February 14, 2019 1:30 p.m.

LB422  
LB449  
LB607  
LB312

(Signed) Sara Howard, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

January 28, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Dawn Caldwell, 30660 Road T, Edgar, NE 68935

Contingent upon your approval, the following individual is being reappointed to the Nebraska State Fair Board:

Chris Kircher, 15715 California Street, Omaha, NE 68118

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**SELECT FILE**

**LEGISLATIVE BILL 33A.** Advanced to Enrollment and Review for Engrossment.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Williams.

**GENERAL FILE**

**LEGISLATIVE BILL 63.** Senator Chambers offered his amendment, FA1, found on page 413.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 39:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Hughes	McCollister	Walz
Brandt	Geist	Hunt	McDonnell	Williams
Brewer	Gragert	Kolterman	Moser	Wishart
Cavanaugh	Groene	La Grone	Murman	

Present and not voting, 5:

Chambers	Howard	Kolowski	Pansing Brooks	Wayne
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Excused and not voting, 5:

Briese	Friesen	Hansen, M.	Morfeld	Vargas
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The Chambers amendment lost with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

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

Banking, Commerce and Insurance

**LEGISLATIVE BILL 172.** Placed on General File.

**LEGISLATIVE BILL 442.** Placed on General File.

**LEGISLATIVE BILL 536.** Placed on General File.

**LEGISLATIVE BILL 622.** Placed on General File.

(Signed) Matt Williams, Chairperson

Revenue

**LEGISLATIVE BILL 4.** Placed on General File.

**LEGISLATIVE BILL 185.** Placed on General File.

**LEGISLATIVE BILL 372.** Placed on General File.

**LEGISLATIVE BILL 103.** Placed on General File with amendment.

AM116

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

3 Section 1. Section 77-1601.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 77-1601.02 (1) If the annual assessment of property would result in  
6 an increase in the total property taxes levied by a county, municipality,  
7 school district, learning community, sanitary and improvement district,  
8 natural resources district, educational service unit, or community  
9 college, as determined using the previous year's rate of levy, such  
10 political subdivision's property tax request for the current year shall  
11 be no more than its property tax request in the prior year, and the  
12 political subdivision's rate of levy for the current year shall be  
13 decreased accordingly when such rate is set by the county board of  
14 equalization pursuant to section 77-1601. The governing body of the  
15 political subdivision shall pass a resolution or ordinance to set the  
16 amount of its property tax request after holding the public hearing  
17 required in subsection (3) of this section. If the governing body of a  
18 political subdivision seeks to set its property tax request at an amount  
19 that exceeds its property tax request in the prior year, it may do so  
20 after holding the public hearing required in subsection (3) of this  
21 section and by passing a resolution or ordinance that complies with  
22 subsection (4) of this section.

23 (2) If the annual assessment of property would result in no change  
24 or a decrease in the total property taxes levied by a county,  
25 municipality, school district, learning community, sanitary and  
26 improvement district, natural resources district, educational service  
27 unit, or community college, as determined using the previous year's rate  
1 of levy, such political subdivision's property tax request for the  
2 current year shall be no more than its property tax request in the prior  
3 year, and the political subdivision's rate of levy for the current year  
4 shall be adjusted accordingly when such rate is set by the county board  
5 of equalization pursuant to section 77-1601. The governing body of the  
6 political subdivision shall pass a resolution or ordinance to set the  
7 amount of its property tax request after holding the public hearing  
8 required in subsection (3) of this section. If the governing body of a  
9 political subdivision seeks to set its property tax request at an amount  
10 that exceeds its property tax request in the prior year, it may do so  
11 after holding the public hearing required in subsection (3) of this  
12 section and by passing a resolution or ordinance that complies with  
13 subsection (4) of this section.

14 (3) The resolution or ordinance required under this section (1) The  
15 property tax request for the prior year shall be the property tax request  
16 for the current year for purposes of the levy set by the county board of  
17 equalization in section 77-1601 unless the governing body of the county,  
18 municipality, school district, learning community, sanitary and  
19 improvement district, natural resources district, educational service  
20 unit, or community college passes by a majority vote a resolution or  
21 ordinance setting the tax request at a different amount. Such resolution  
22 or ordinance shall only be passed after a special public hearing called  
23 for such purpose is held and after notice is published in a newspaper of  
24 general circulation in the area of the political subdivision at least

25 five days prior to the hearing. If the political subdivision's total  
 26 operating budget, not including reserves, does not exceed ten thousand  
 27 dollars per year or twenty thousand dollars per biennial period, the  
 28 notice may be posted at the governing body's principal headquarters. The  
 29 hearing notice shall contain the following information: The certified  
 30 taxable valuation under section 13-509 for the prior year, the certified  
 31 taxable valuation under section 13-509 for the current year, and the  
 1 percentage increase or decrease in such valuations from the prior year to  
 2 the current year; the dollar amount of the prior year's tax request and  
 3 the property tax rate that was necessary to fund that tax request; the  
 4 property tax rate that would be necessary to fund last year's tax request  
 5 if applied to the current year's valuation; and the proposed dollar  
 6 amount of the tax request for the current year and the property tax rate  
 7 that will be necessary to fund that tax request; the percentage increase  
 8 or decrease in the property tax rate from the prior year to the current  
 9 year; and the percentage increase or decrease in the total operating  
 10 budget from the prior year to the current year.

11 (4) Any resolution or ordinance setting a political subdivision's  
 12 property tax request at an amount that exceeds the political  
 13 subdivision's property tax request in the prior year shall include, but  
 14 not be limited to, the following information:

15 (a) The name of the political subdivision;

16 (b) The amount of the property tax request;

17 (c) The following statements:

18 (i) The total assessed value of property differs from last year's

19 total assessed value by ..... percent;

20 (ii) The tax rate which would levy the same amount of property taxes

21 as last year, when multiplied by the new total assessed value of

22 property, would be \$..... per \$100 of assessed value;

23 (iii) The (name of political subdivision) proposes to adopt a

24 property tax request that will cause its tax rate to be \$..... per \$100

25 of assessed value; and

26 (iv) Based on the proposed property tax request and changes in other

27 revenue, the total operating budget of (name of political subdivision)

28 will exceed last year's by ..... percent; and

29 (d) The record vote of the governing body in passing such resolution

30 or ordinance.

31 (5) Any resolution or ordinance setting a property tax request under

1 this section shall be certified and forwarded to the county clerk on or

2 before October 13 of the year for which the tax request is to apply.

3 (6) ~~(2)~~ Any levy which is not in compliance with this section and

4 section 77-1601 shall be construed as an unauthorized levy under section

5 77-1606.

6 Sec. 2. Original section 77-1601.02, Reissue Revised Statutes of

7 Nebraska, is repealed.

**LEGISLATIVE BILL 183.** Placed on General File with amendment.

AM158

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

2 sections:

3 Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-201 (1) Except as provided in subsections (2) through (4) of this  
6 section, all real property in this state, not expressly exempt therefrom,  
7 shall be subject to taxation and shall be valued at its actual value.

8 (2) Agricultural land and horticultural land as defined in section  
9 77-1359 shall constitute a separate and distinct class of property for  
10 purposes of property taxation, shall be subject to taxation, unless  
11 expressly exempt from taxation, and shall be valued at seventy-five  
12 percent of its actual value, except that for school district taxes levied  
13 to pay the principal and interest on bonds that are issued on or after  
14 the operative date of this act, such land shall be valued at thirty  
15 percent of its actual value.

16 (3) Agricultural land and horticultural land actively devoted to  
17 agricultural or horticultural purposes which has value for purposes other  
18 than agricultural or horticultural uses and which meets the  
19 qualifications for special valuation under section 77-1344 shall  
20 constitute a separate and distinct class of property for purposes of  
21 property taxation, shall be subject to taxation, and shall be valued for  
22 taxation at seventy-five percent of its special ~~valuation~~ value as  
23 defined in section 77-1343, except that for school district taxes levied  
24 to pay the principal and interest on bonds that are issued on or after  
25 the operative date of this act, such land shall be valued at thirty  
26 percent of its special valuation as defined in section 77-1343.

27 (4) Historically significant real property which meets the  
1 qualifications for historic rehabilitation valuation under sections  
2 77-1385 to 77-1394 shall be valued for taxation as provided in such  
3 sections.

4 (5) Tangible personal property, not including motor vehicles,  
5 trailers, and semitrailers registered for operation on the highways of  
6 this state, shall constitute a separate and distinct class of property  
7 for purposes of property taxation, shall be subject to taxation, unless  
8 expressly exempt from taxation, and shall be valued at its net book  
9 value. Tangible personal property transferred as a gift or devise or as  
10 part of a transaction which is not a purchase shall be subject to  
11 taxation based upon the date the property was acquired by the previous  
12 owner and at the previous owner's Nebraska adjusted basis. Tangible  
13 personal property acquired as replacement property for converted property  
14 shall be subject to taxation based upon the date the converted property  
15 was acquired and at the Nebraska adjusted basis of the converted property  
16 unless insurance proceeds are payable by reason of the conversion. For  
17 purposes of this subsection, (a) converted property means tangible  
18 personal property which is compulsorily or involuntarily converted as a  
19 result of its destruction in whole or in part, theft, seizure,  
20 requisition, or condemnation, or the threat or imminence thereof, and no  
21 gain or loss is recognized for federal or state income tax purposes by  
22 the holder of the property as a result of the conversion and (b)  
23 replacement property means tangible personal property acquired within two

24 years after the close of the calendar year in which tangible personal  
 25 property was converted and which is, except for date of construction or  
 26 manufacture, substantially the same as the converted property.

27 Sec. 2. Section 77-5023, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:

29 77-5023 (1) Pursuant to section 77-5022, the commission shall have  
 30 the power to increase or decrease the value of a class or subclass of  
 31 real property in any county or taxing authority or of real property  
 1 valued by the state so that all classes or subclasses of real property in  
 2 all counties fall within an acceptable range.

3 (2) An acceptable range is the percentage of variation from a  
 4 standard for valuation as measured by an established indicator of central  
 5 tendency of assessment. Acceptable ranges are: (a) For agricultural land  
 6 and horticultural land as defined in section 77-1359, sixty-nine to  
 7 seventy-five percent of actual value, except that for school district  
 8 taxes levied to pay the principal and interest on bonds that are issued  
 9 on or after the operative date of this act, the acceptable range is  
 10 twenty-four to thirty percent of actual value; (b) for lands receiving  
 11 special valuation, sixty-nine to seventy-five percent of special  
 12 valuation as defined in section 77-1343, except that for school district  
 13 taxes levied to pay the principal and interest on bonds that are issued  
 14 on or after the operative date of this act, the acceptable range is  
 15 twenty-four to thirty percent of special valuation as defined in section  
 16 77-1343; and (c) for all other real property, ninety-two to one hundred  
 17 percent of actual value.

18 (3) Any increase or decrease shall cause the level of value  
 19 determined by the commission to be at the midpoint of the applicable  
 20 acceptable range.

21 (4) Any decrease or increase to a subclass of property shall also  
 22 cause the level of value determined by the commission for the class from  
 23 which the subclass is drawn to be within the applicable acceptable range.

24 (5) Whether or not the level of value determined by the commission  
 25 falls within an acceptable range or at the midpoint of an acceptable  
 26 range may be determined to a reasonable degree of certainty relying upon  
 27 generally accepted mass appraisal techniques.

28 Sec. 3. This act becomes operative on January 1, 2020.

29 Sec. 4. Original sections 77-201 and 77-5023, Reissue Revised  
 30 Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 450.** Placed on General File.

**LEGISLATIVE BILL 406.** Placed on General File with amendment.  
 AM159

1 1. Strike original section 3.

2 2. On page 6, strike beginning with "auditing" in line 2 through

- 3 "property" in line 3, show as stricken, and insert "expenses related to
- 4 unclaimed property".
- 5 3. On page 8, line 8, strike "(1)" and show as stricken and after
- 6 "costs" insert "related to unclaimed property"; and strike beginning with
- 7 "in" in line 8 through "charges" in line 11 and show as stricken.
- 8 4. On page 9, line 6, strike "69-1310,".
- 9 5. Renumber the remaining sections accordingly.

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 70.** Placed on Select File with amendment.  
ER13

- 1 1. On page 8, line 29, after "9" insert "of this act".
- 2 2. On page 10, line 2, after "or" insert "subsection".

**LEGISLATIVE BILL 78.** Placed on Select File with amendment.  
ER10

- 1 1. On page 1, line 9, strike "an operative date" and insert
- 2 "operative dates".

**LEGISLATIVE BILL 221.** Placed on Select File.

**LEGISLATIVE BILL 42.** Placed on Select File with amendment.  
ER11

- 1 1. On page 1, lines 6 and 7, strike "to provide for filing fees;".

**LEGISLATIVE BILL 115.** Placed on Select File with amendment.  
ER9

- 1 1. On page 6, line 18, strike "shall" and show as stricken.
- 2 2. On page 7, line 12, strike "under the provisions of" and insert
- 3 "pursuant to".

**LEGISLATIVE BILL 188.** Placed on Select File.

**LEGISLATIVE BILL 258.** Placed on Select File with amendment.  
ER12

- 1 1. On page 1, line 11, strike "and" and after the second comma
- 2 insert "and".
- 3 2. On page 2, line 26, strike "the", show as stricken, and insert
- 4 "such".
- 5 3. On page 5, line 26, strike "the" and insert "such".

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, February 12, 2019 1:30 p.m.

LB695  
 LB662  
 LR5CA  
 LB430

(Signed) Mike Groene, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 63.** Senator Chambers offered the following motion:

MO6

Reconsider the vote taken on FA1.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

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

Voting in the affirmative, 2:

Chambers      Wayne

Voting in the negative, 42:

Albrecht	Clements	Halloran	Linehan	Scheer
Arch	Crawford	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hilgers	McCollister	Vargas
Bolz	Dorn	Hilkemann	McDonnell	Walz
Bostelman	Erdman	Hughes	Morfeld	Williams
Brandt	Friesen	Kolterman	Moser	Wishart
Brewer	Geist	La Grone	Murman	
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh	Groene	Lindstrom	Quick	

Present and not voting, 3:

Howard      Hunt      Kolowski

Excused and not voting, 2:

Hansen, M.      Stinner

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

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA2

Page 5, line 21, strike "three" and insert "five".

Senator Chambers withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Albrecht	Crawford	Hilgers	Lowe	Stinner
Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bostelman	Erdman	Hughes	Moser	Wayne
Brandt	Friesen	Hunt	Murman	Williams
Brewer	Geist	Kolterman	Pansing Brooks	
Briese	Gragert	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Groene	Lindstrom
Chambers	Kolowski	Wishart

Excused and not voting, 2:

Hansen, M. Morfeld

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 32.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 65.** Title read. Considered.

Senator Chambers offered the following amendment:

FA3

Page 3, line 6, strike "A" and insert "Any".

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 43:

Albrecht	Clements	Halloran	Linehan	Slama
Arch	Crawford	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hilgers	McCollister	Vargas
Bolz	Dorn	Hilkemann	McDonnell	Walz
Bostelman	Erdman	Hughes	Moser	Wayne
Brandt	Friesen	Kolterman	Murman	Williams
Brewer	Geist	La Grone	Pansing Brooks	Wishart
Briese	Gragert	Lathrop	Quick	
Cavanaugh	Groene	Lindstrom	Scheer	

Present and not voting, 5:

Chambers	Hansen, M.	Howard	Hunt	Kolowski
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Excused and not voting, 1:

Morfeld

The Chambers amendment lost with 0 ayes, 43 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO7

Reconsider the vote taken on FA3.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 39:

Albrecht	Clements	Halloran	Linehan	Scheer
Arch	Crawford	Hansen, M.	Lowe	Slama
Blood	DeBoer	Hilgers	McCollister	Stinner
Bolz	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Erdman	Hughes	Moser	Walz
Brandt	Friesen	La Grone	Murman	Wayne
Brewer	Geist	Lathrop	Pansing Brooks	Wishart
Briese	Gragert	Lindstrom	Quick	

Present and not voting, 3:

Cavanaugh    Howard    Hunt

Excused and not voting, 6:

Groene        Kolowski    Morfeld  
Hansen, B.    Kolterman    Williams

The Chambers motion to reconsider failed with 1 aye, 39 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, February 13, 2019 1:30 p.m.

LB276  
LB182  
LB310  
LB477  
LB357

Thursday, February 14, 2019 1:30 p.m.

LB314  
LB497  
LB677

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 259.** Placed on Select File.  
**LEGISLATIVE BILL 355.** Placed on Select File.  
**LEGISLATIVE BILL 56.** Placed on Select File.  
**LEGISLATIVE BILL 75.** Placed on Select File.  
**LEGISLATIVE BILL 11.** Placed on Select File.  
**LEGISLATIVE BILL 57.** Placed on Select File.  
**LEGISLATIVE BILL 121.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Pansing Brooks filed the following amendment to LB154:

AM36

1 1. Strike the original section and insert the following new section:  
 2 Section 1. The Nebraska State Patrol shall conduct a study to  
 3 determine how to increase state criminal justice protective and  
 4 investigative resources for reporting and identifying missing Native  
 5 American women and children in Nebraska. The Nebraska State Patrol shall  
 6 work with the Commission on Indian Affairs to convene meetings with  
 7 tribal and local law enforcement partners, federally recognized tribes,  
 8 and urban Indian organizations to determine the scope of the problem,  
 9 identify barriers, and find ways to create partnerships to increase  
 10 reporting and investigation of missing Native American women and  
 11 children. Consultation and collaboration with federally recognized tribes  
 12 shall be conducted with respect for government-to-government relations.  
 13 The Nebraska State Patrol shall work with the United States Department of  
 14 Justice to increase information sharing and resource coordination to  
 15 focus on reporting and investigating missing Native American women and  
 16 children in Nebraska. The Nebraska State Patrol shall submit a report  
 17 electronically to the Executive Board of the Legislative Council by June  
 18 1, 2020, on the results of such study. Such report shall include data and  
 19 analysis of the number of missing Native American women and children in  
 20 Nebraska, identification of barriers in providing state resources to  
 21 address the issue, and recommendations, including any proposed  
 22 legislation, to improve the reporting and identification of missing  
 23 Native American women and children in Nebraska.

Senator Crawford filed the following amendment to LB122:

AM164

(Amendments to Standing Committee amendments, AM 8)

1 1. Strike amendment 1 and insert the following new amendment:  
 2 1. Strike the original sections and insert the following new  
 3 sections:  
 4 Section 1. Section 85-502.01, Revised Statutes Cumulative  
 5 Supplement, 2018, is amended to read:

6 85-502.01 (1) A person who enrolls in a public college or university  
 7 in this state and who is (a) a veteran as defined in Title 38 of the  
 8 United States Code and was discharged or released from a period of not  
 9 fewer than ninety days of service in the active military, naval, or air  
 10 service less than three years before the date of initial enrollment, (b)  
 11 a spouse or dependent of such a veteran, (c) ~~or~~ an eligible recipient  
 12 entitled to educational assistance as provided in 38 U.S.C. 3319 while  
 13 the transferor is on active duty in the uniformed services or as provided  
 14 in 38 U.S.C. 3311(b)(9), as such sections existed on March 1, 2019  
 15 ~~January 1, 2017~~, or (d) entitled to rehabilitation pursuant to 38 U.S.C.  
 16 3102(a), as such section existed on March 1, 2019, shall be considered a  
 17 resident student notwithstanding the provisions of section 85-502 if the  
 18 person is ~~(a)~~ registered to vote in Nebraska and ~~(b)~~ demonstrates  
 19 objective evidence of intent to be a resident of Nebraska, except that  
 20 ~~a~~ (2) A person who is otherwise described in subsection (1) of this  
 21 ~~section and is under eighteen years of age is not required to register to~~  
 22 vote in Nebraska comply with subdivision (1)(a) of this section.  
 23 (3) For purposes of this section, objective evidence of intent to be  
 24 a resident of Nebraska includes ~~either~~ a Nebraska driver's license, a  
 25 Nebraska ~~or~~ state identification card, ~~or~~ a Nebraska motor vehicle  
 26 registration, or documentation that the individual is registered to vote  
 1 in Nebraska.  
 2 Sec. 2. Original section 85-502.01, Revised Statutes Cumulative  
 3 Supplement, 2018, is repealed.  
 4 Sec. 3. Since an emergency exists, this act takes effect when  
 5 passed and approved according to law.

Senator Bolz filed the following amendment to LB108:  
 AM154

1 1. On page 2, after line 12 insert the following new subsection:  
 2 "(3) The director shall prioritize for placement in county jails any  
 3 persons committed to the department who meet all of the following  
 4 criteria:  
 5 (a) The person's sentence includes a term of post-release  
 6 supervision;  
 7 (b) The person is three months or less from his or her mandatory  
 8 release date; and  
 9 (c) The person can be housed in a county jail that is located:  
 10 (i) Within the county where such person was originally sentenced; or  
 11 (ii) Within one hundred miles of the county described in subdivision  
 12 (3)(c)(i) of this section."

Senator Chambers filed the following amendment to LB65:

FA4

Page 3, line 3 strike "boring" and insert "interesting".

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

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

Senator Hunt name added to LB41.  
Senator Hunt name added to LB235.  
Senator Pansing Brooks name added to LB486.  
Senator Lowe name added to LB605.  
Senator Stinner name added to LB605.  
Senator Pansing Brooks name added to LB614.  
Senator Pansing Brooks name added to LR18.  
Senator Linehan name added to LR18.

**VISITOR(S)**

Visitors to the Chamber were Girl Scouts Troop 20854 from Lincoln; and physical therapy students from UNMC and Creighton and members of the Nebraska Association of Physical Therapists.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Arch, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 6, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 6, 2019

**PRAYER**

The prayer was offered by Reverend Scott Jones, First Central Congregational Church, Omaha.

**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 Halloran who was excused; and Senator Wishart who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 65.** Senator Chambers offered his amendment, FA4, found on page 433.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 102.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 301.** Title read. Considered.

**SENATOR LINDSTROM PRESIDING**

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 33.** Placed on Final Reading.  
**LEGISLATIVE BILL 33A.** Placed on Final Reading.  
**LEGISLATIVE BILL 79.** Placed on Final Reading.  
**LEGISLATIVE BILL 82.** Placed on Final Reading.  
**LEGISLATIVE BILL 117.** Placed on Final Reading.  
**LEGISLATIVE BILL 190.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 159.** Placed on General File.  
**LEGISLATIVE BILL 380.** Placed on General File.  
**LEGISLATIVE BILL 469.** Placed on General File.

(Signed) Matt Williams, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 1525

Thursday, February 14, 2019 12:00 p.m.

LB253  
LB261  
LB466  
LB467

(Signed) Mike Hilgers, Chairperson

Natural Resources

Room 1525

Wednesday, February 13, 2019 1:30 p.m.

Bradley B. Bird - Nebraska Ethanol Board  
Michael S. Thede - Nebraska Ethanol Board  
Walter Dennis Strauch - Nebraska Natural Resources Commission  
John Heaston - Nebraska Natural Resources Commission  
LB48

Thursday, February 14, 2019 1:30 p.m.

Bradley A. Arrowsmith - Niobrara Council  
 Don Kraus - Nebraska Natural Resources Commission  
 LB53  
 LB177

(Signed) Dan Hughes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 359.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 306.** Title read. Considered.

Committee AM71, found on page 377, was offered.

**PRESIDENT FOLEY PRESIDING**

Pending.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Brewer - LB155

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

Senator Cavanaugh filed the following amendment to LB532:  
 AM54

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 28-1206, Revised Statutes Cumulative Supplement,
- 3 2018, is amended to read:
- 4 28-1206 (1) A person commits the offense of possession of a deadly
- 5 weapon by a prohibited person if he or she:
- 6 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
- 7 or she:
- 8 (i) Has previously been convicted of a felony;
- 9 (ii) Is a fugitive from justice; or
- 10 (iii) Is the subject of a current and validly issued domestic
- 11 violence protection order, harassment protection order, or sexual assault
- 12 protection order of which the person has actual notice and, in the case
- 13 of possession of a firearm, such order enjoins the person from possessing
- 14 or purchasing a firearm and is knowingly violating such order; or
- 15 (b) Possesses a firearm or brass or iron knuckles and he or she has
- 16 been convicted ~~within the past seven years~~ of a misdemeanor crime of

17 domestic violence.

18 (2) The felony conviction may have been had in any court in the  
19 United States, the several states, territories, or possessions, or the  
20 District of Columbia.

21 (3)(a) Possession of a deadly weapon which is not a firearm by a  
22 prohibited person is a Class III felony.

23 (b) Possession of a deadly weapon which is a firearm by a prohibited  
24 person is a Class ID felony for a first offense and a Class IB felony for  
25 a second or subsequent offense.

26 (4) Subdivision (1)(a)(i) of this section shall not prohibit:

27 (a) Possession of archery equipment for lawful purposes; or

1 (b) If in possession of a recreational license, possession of a  
2 knife for purposes of butchering, dressing, or otherwise processing or  
3 harvesting game, fish, or furs.

4 (5)(a) For purposes of this section, misdemeanor crime of domestic  
5 violence means a crime that:

6 (i) Is classified as a misdemeanor under the laws of the United  
7 States or the District of Columbia or the laws of any state, territory,  
8 possession, or tribe;

9 (ii) Has, as an element, the use or attempted use of physical force  
10 or the threatened use of a deadly weapon; and

11 (iii) Is committed by another against his or her spouse, his or her  
12 former spouse, a person with whom he or she has a child in common whether  
13 or not they have been married or lived together at any time, or a person  
14 with whom he or she is or was involved in a dating relationship as  
15 defined in section 28-323.

16 (b) For purposes of this section, misdemeanor crime of domestic  
17 violence also includes the following offenses, if committed by a person  
18 against his or her spouse, his or her former spouse, a person with whom  
19 he or she is or was involved in a dating relationship as defined in  
20 section 28-323, or a person with whom he or she has a child in common  
21 whether or not they have been married or lived together at any time:

22 (i) Assault in the third degree under section 28-310;

23 (ii) Stalking under subsection (1) of section 28-311.04;

24 (iii) False imprisonment in the second degree under section 28-315;

25 (iv) First offense domestic assault in the third degree under  
26 subsection (1) of section 28-323; or

27 (v) Any attempt or conspiracy to commit any of such offenses.

28 (c) A person shall not be considered to have been convicted of a  
29 misdemeanor crime of domestic violence unless:

30 (i) The person was represented by counsel in the case or knowingly  
31 and intelligently waived the right to counsel in the case; and

1 (ii) In the case of a prosecution for a misdemeanor crime of  
2 domestic violence for which a person was entitled to a jury trial in the  
3 jurisdiction in which the case was tried, either:

4 (A) The case was tried to a jury; or

5 (B) The person knowingly and intelligently waived the right to have  
6 the case tried to a jury.

7 (6) In addition, for purposes of this section:

8 (a) Archery equipment means:

9 (i) A longbow, recurve bow, compound bow, or nonelectric crossbow  
10 that is drawn or cocked with human power and released by human power; and

11 (ii) Target or hunting arrows, including arrows with broad, fixed,  
12 or removable heads or that contain multiple sharp cutting edges;

13 (b) Domestic violence protection order means a protection order  
14 issued pursuant to section 42-924;

15 (c) Harassment protection order means a protection order issued  
16 pursuant to section 28-311.09 or that meets or exceeds the criteria set  
17 forth in section 28-311.10 regarding protection orders issued by a court  
18 in any other state or a territory, possession, or tribe;

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

23 (e) Sexual assault protection order means a protection order issued  
24 pursuant to section 28-311.11 or that meets or exceeds the criteria set  
25 forth in section 28-311.12 regarding protection orders issued by a court  
26 in any other state or a territory, possession, or tribe.

27 2. On page 5, line 30, strike "the" and insert "or" and strike the  
28 last comma; and in line 31 after "and" insert "the respondent".

29 3. On page 6, line 20, strike beginning with "The" through  
30 "petitioner" and insert "When provided by the petitioner, the court shall  
31 make"; in line 22 after the comma insert "available"; and in line 24  
1 strike the comma.

2 4. On page 11, line 6, strike "the" and insert "or" and strike the  
3 last comma; and in line 7 after "and" insert "the respondent".

4 5. On page 13, lines 4 and 5, strike "(2) and (3)", show as  
5 stricken, and insert "(4) and (5)"; and in line 31 after "(2)" insert  
6 "Upon the issuance of a final protection order or an order deemed a final  
7 protection order under subsection (2) of section 42-925, the court shall  
8 enjoin the respondent from possessing or purchasing a firearm as defined  
9 in section 28-1201 for the duration of the order.  
10 (3)".

11 6. On page 14, line 4, strike "(3)(a)", show as stricken, and insert  
12 "(4)(a)"; and in line 30 strike "(4)", show as stricken, and insert  
13 "(5)".

14 7. On page 15, line 5, strike "(5)", show as stricken, and insert  
15 "(6)".

16 8. On page 17, line 15, strike "(3)", show as stricken, and insert  
17 "(4)".

18 9. On page 18, line 27, strike "(4)", show as stricken, and insert  
19 "(5)".

20 10. On page 19, line 5, after the second comma insert "28-1206,".

21 11. Renumber the remaining sections accordingly.

Senator Pansing Brooks filed the following amendment to LB55:  
AM191

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

2 insert the following new sections:

3 Section 1. Section 30-2478, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 30-2478 If two or more persons are appointed corepresentatives and  
6 unless the will provides otherwise, the concurrence of all is required on  
7 all acts connected with the administration and distribution of the  
8 estate. This restriction does not apply when any corepresentative  
9 receives and receipts for property due the estate, when the concurrence  
10 of all cannot readily be obtained in the time reasonably available for  
11 emergency action necessary to preserve the estate, ~~or~~ when a  
12 corepresentative has been delegated to act for the others, or as provided  
13 in section 2 of this act. Persons dealing with a corepresentative, if  
14 actually unaware that another has been appointed to serve with him or her  
15 or if advised by the personal representative with whom they deal that he  
16 or she has authority to act alone for any of the reasons mentioned  
17 herein, are as fully protected as if the person with whom they dealt had  
18 been the sole personal representative.

19 Sec. 2. On and after January 1, 2020, in any case in which  
20 copersonal representatives, cotrustees, coguardians, or coconservators  
21 have been appointed, unless specifically restricted in a will, a trust,  
22 or an order of appointment, such copersonal representatives, cotrustees,  
23 coguardians, or coconservators shall have the authority to act  
24 independently with respect to, and shall not be required to act in  
25 concert with respect to, banking transactions involving trust or estate  
26 assets.

27 Sec. 3. Section 30-2723, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 30-2723 (a) Except as otherwise provided in sections 30-2716 to  
3 30-2733, on death of a party sums on deposit in a multiple-party account  
4 belong to the surviving party or parties. If two or more parties survive  
5 and one is the surviving spouse of the decedent, the amount to which the  
6 decedent, immediately before death, was beneficially entitled under  
7 section 30-2722 belongs to the surviving spouse. If two or more parties  
8 survive and none is the surviving spouse of the decedent, the amount to  
9 which the decedent, immediately before death, was beneficially entitled  
10 under such section belongs to the surviving parties in equal shares, and  
11 augments the proportion to which each survivor, immediately before the  
12 decedent's death, was beneficially entitled under section 30-2722, and  
13 the right of survivorship continues between the surviving parties.

14 (b) In an account with a POD designation:

15 (1) On death of one of two or more parties, the rights in sums on  
16 deposit are governed by subsection (a) of this section.  
17 ~~(2)(A) (2)~~ On death of the sole party or the last survivor of two or  
18 more parties, sums on deposit belong to the surviving beneficiary or  
19 beneficiaries. If two or more beneficiaries survive, sums on deposit  
20 belong to them in such proportions as specified in the POD designation  
21 or, if the POD designation does not specify different proportions, in  
22 equal and undivided shares, and there is no right of survivorship in the  
23 event of death of a beneficiary thereafter. If no beneficiary survives,

24 sums on deposit belong to the estate of the last surviving party.

25 (B) Except as otherwise specified in the POD designation, if there  
26 are two or more beneficiaries, and if any beneficiary fails to survive  
27 the sole party or the last survivor of two or more parties, sums on  
28 deposit belong to the surviving beneficiaries in proportion to their  
29 respective interests as beneficiaries under subdivision (2)(A) of this  
30 subsection.

31 (c) Sums on deposit in a single-party account without a POD  
1 designation, or in a multiple-party account that, by the terms of the  
2 account, is without right of survivorship, are not affected by death of a  
3 party, but the amount to which the decedent, immediately before death,  
4 was beneficially entitled under section 30-2722 is transferred as part of  
5 the decedent's estate. A POD designation in a multiple-party account  
6 without right of survivorship is ineffective. For purposes of this  
7 section, designation of an account as a tenancy in common establishes  
8 that the account is without right of survivorship.

9 (d) The ownership right of a surviving party or beneficiary, or of  
10 the decedent's estate, in sums on deposit is subject to requests for  
11 payment made by a party before the party's death, whether paid by the  
12 financial institution before or after death, or unpaid. The surviving  
13 party or beneficiary, or the decedent's estate, is liable to the payee of  
14 an unpaid request for payment. The liability is limited to a  
15 proportionate share of the amount transferred under this section, to the  
16 extent necessary to discharge the request for payment.

17 Sec. 4. Section 30-3859, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 30-3859 (UTC 703) (a) Cotrustees who are unable to reach a unanimous  
20 decision may act by majority decision, except that any cotrustee may act  
21 independently as provided in section 2 of this act.

22 (b) If a vacancy occurs in a cotrusteeship, the remaining cotrustees  
23 may act for the trust.

24 (c) A cotrustee must participate in the performance of a trustee's  
25 function unless the cotrustee is unavailable to perform the function  
26 because of absence, illness, disqualification under other law, or other  
27 temporary incapacity or the cotrustee has properly delegated the  
28 performance of the function to another trustee.

29 (d) If a cotrustee is unavailable to perform duties because of  
30 absence, illness, disqualification under other law, or other temporary  
31 incapacity, and prompt action is necessary to achieve the purposes of the  
1 trust or to avoid injury to the trust property, the remaining cotrustee  
2 or a majority of the remaining cotrustees may act for the trust.

3 (e) A trustee may not delegate to a cotrustee the performance of a  
4 function the settlor reasonably expected the trustees to perform jointly.  
5 Unless a delegation was irrevocable, a trustee may revoke a delegation  
6 previously made.

7 (f) Except as otherwise provided in subsection (g) of this section,  
8 a trustee who does not join in an action of another trustee is not liable  
9 for the action.

10 (g) Each trustee shall exercise reasonable care to:

11 (1) prevent a cotrustee from committing a serious breach of trust;  
 12 and  
 13 (2) compel a cotrustee to redress a serious breach of trust.  
 14 (h) A dissenting trustee who joins in an action at the direction of  
 15 the majority of the trustees and who notified any cotrustee of the  
 16 dissent at or before the time of the action is not liable for the action  
 17 unless the action is a serious breach of trust.  
 18 Sec. 5. Section 43-2101, Revised Statutes Cumulative Supplement,  
 19 2018, is amended to read:  
 20 43-2101 (1) All persons under nineteen years of age are declared to  
 21 be minors, but in case any person marries under the age of nineteen  
 22 years, his or her minority ends.  
 23 (2) Upon becoming the age of majority, a person is considered an  
 24 adult and acquires all rights and responsibilities granted or imposed by  
 25 statute or common law, except that a person:  
 26 (A) Eighteen (1) eighteen years of age or older and who is not a  
 27 ward of the state may:  
 28 (i) Enter enter into a binding contract or lease of whatever kind or  
 29 nature and shall be legally responsible for such contract or lease,  
 30 including legal responsibility to third parties;  
 31 (ii) Execute, sign, authorize, or otherwise authenticate (A) an  
 1 effective financing statement, (B) a promissory note or other instrument  
 2 evidencing an obligation to repay, or (C) a mortgage, trust deed,  
 3 security agreement, financing statement, or other security instrument to  
 4 grant a lien or security interest in real or personal property or  
 5 fixtures, and shall be legally responsible for such document, including  
 6 legal responsibility to third parties; and  
 7 (iii) Acquire or convey title to real property and shall have legal  
 8 responsibility for such acquisition or conveyance, including legal  
 9 responsibility to third parties; ~~be legally responsible therefor~~ and  
 10 (b) Eighteen (2) eighteen years of age or older may consent to  
 11 mental health services for himself or herself without the consent of his  
 12 or her parent or guardian.  
 13 Sec. 6. Original sections 30-2478, 30-2723, and 30-3859, Reissue  
 14 Revised Statutes of Nebraska, and section 43-2101, Revised Statutes  
 15 Cumulative Supplement, 2018, are repealed.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 20.** Introduced by Walz, 15; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargus, 7; Wayne, 13; Williams, 36.

WHEREAS, on August 2, 1919, during a special legislative session, Nebraska became the fourteenth state to ratify the Nineteenth Amendment to the Constitution of the United States, granting women the right to vote; and

WHEREAS, on February 14, 1920, the national League of Women Voters was founded at the annual convention of the National American Woman Suffrage Association; and

WHEREAS, in June of 1920, the Nebraska Woman Suffrage Association reorganized as the Nebraska League of Women Voters to "unite all parties on certain issues" and to "establish a reputation for power as an organization"; and

WHEREAS, on August 26, 1920, United States Secretary of State Bainbridge Colby issued a proclamation officially declaring the Nineteenth Amendment to be part of the Constitution of the United States after Tennessee became the thirty-sixth state to ratify the Nineteenth Amendment; and

WHEREAS, the League of Women Voters of Nebraska will launch a year-long celebration of woman's suffrage and the right to vote enshrined in the Nineteenth Amendment.

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

1. That the Legislature recognizes August 2019 as Nebraska Woman's Suffrage Month.

Laid over.

#### **ANNOUNCEMENT(S)**

Senator Linehan announced the Revenue Committee will meet February 14, 2019, at 12:30 p.m. instead of 1:30 p.m. in Room 1524.

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

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

Senator B. Hansen name added to LB153.

#### **VISITOR(S)**

Visitors to the Chamber were former Senator Mike Gloor from Grand Island; groups from Scottsbluff, Gering, Chadron, and Alliance; management trainees and executive development associates from First National Bank of Omaha; students from Bryan Elementary, Lexington; and Taylor Bushnell from Elkhorn.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIRST DAY - FEBRUARY 7, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 7, 2019

**PRAYER**

The prayer was offered by Chaplain Franklin Krause, Bryan West Medical Center, Lincoln.

**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 Friesen, Stinner, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 306.** Committee AM71, found on page 377 and considered on page 437, was renewed.

The committee amendment was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 122.** Title read. Considered.

Committee AM8, found on page 388, was offered.

Senator Crawford offered her amendment, AM164, found on page 432, to the committee amendment.

The Crawford amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE RESOLUTION 1CA.** Read. Considered.

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

Senator Wayne requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	La Grone	Murman
Arch	Crawford	Hansen, M.	Lathrop	Pansing Brooks
Blood	DeBoer	Hilgers	Lindstrom	Quick
Bolz	Dorn	Hilkemann	Linehan	Scheer
Bostelman	Erdman	Howard	Lowe	Slama
Brandt	Geist	Hughes	McCollister	Walz
Brewer	Gragert	Hunt	McDonnell	Wayne
Cavanaugh	Groene	Kolowski	Morfeld	Williams
Chambers	Halloran	Kolterman	Moser	

Voting in the negative, 0.

Excused and not voting, 5:

Briese	Friesen	Stinner	Vargas	Wishart
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Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 186A.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 192A.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 63.** Placed on Select File with amendment.

ER14

1 1. On page 1, strike beginning with "to" in line 5 through "and" in  
2 line 6; and in line 6 after "sections" insert "; and to declare an  
3 emergency".

**LEGISLATIVE BILL 32.** Placed on Select File.

**LEGISLATIVE BILL 65.** Placed on Select File.

**LEGISLATIVE BILL 102.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Friday, February 22, 2019 1:30 p.m.

LB539 (cancel)

(Signed) Steve Lathrop, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Hilgers, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Rural Broadband Task Force

Senator Bruce Bostelman

(Signed) Mike Hilgers, Chairperson  
Legislative Council, Executive Board

**COMMITTEE REPORT(S)**

## Natural Resources

The Natural Resources 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.

Loren Taylor - Nebraska Natural Resources Commission

Aye: 7 Albrecht, Bostelman, Geist, Gragert, Hughes, Moser, Quick. Nay: 0. Absent: 1 Halloran. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

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

Senator Hunt filed the following motion to LB168:

MO8

Withdraw bill.

**GENERAL FILE**

**LEGISLATIVE BILL 71.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**SPEAKER SCHEER PRESIDING**

**LEGISLATIVE BILL 146.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 154.** Title read. Considered.

**PRESIDENT FOLEY PRESIDING**

Senator Pansing Brooks offered her amendment, AM36, found on page 432.

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 264.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 25.** Placed on General File.

**LEGISLATIVE BILL 119.** Placed on General File with amendment.  
AM211

1 1. Strike original section 5 and insert the following new sections:

2 Sec. 5. Section 71-7910, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-7910 (1) Peer review committee means a utilization review  
5 committee, quality assessment committee, performance improvement  
6 committee, tissue committee, credentialing committee, or other committee  
7 established by a professional health care service entity or by the  
8 governing board of a facility which is a health care provider that does  
9 either of the following:

10 (a) ~~(1)~~ Conducts professional credentialing or quality review  
11 activities involving the competence of, professional conduct of, or  
12 quality of care provided by a health care provider, including both an  
13 individual who provides health care and an entity that provides health  
14 care; or

15 (b) ~~(2)~~ Conducts any other attendant hearing process initiated as a  
16 result of a peer review committee's recommendations or actions.

17 (2) To conduct peer review pursuant to the Health Care Quality  
18 Improvement Act, a professional health care service entity shall adopt  
19 and adhere to written policies and procedures governing the peer review  
20 committee of the professional health care service entity.

21 Sec. 8. Section 71-7913, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-7913 (1) An incident report or risk management report and the  
24 contents of an incident report or risk management report are not subject  
25 to discovery in, and are not admissible in evidence in the trial of, a  
26 civil action for damages for injury, death, or loss to a patient of a  
27 health care provider. A person who prepares or has knowledge of the  
1 contents of an incident report or risk management report shall not  
2 testify and shall not be required to testify in any civil action as to  
3 the contents of the report.

4 (2) A health care provider or individual claiming the privileges  
5 under this section has the burden of proving that the communications and  
6 documents are protected.

7 2. On page 4, line 2, strike "organization" and insert "entity";  
8 after line 15 insert:

9 "(3) A health care provider or individual claiming the privileges  
10 under this section has the burden of proving that the communications and

11 documents are protected."; and in line 17 strike "and 71-7912" and insert  
12 "71-7912, and 71-7913".  
13 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Wednesday, February 20, 2019 1:00 p.m.

Division of Medicaid and Long Term Care Briefing

Wednesday, February 20, 2019 1:30 p.m.

LB716  
LB726

Thursday, February 21, 2019 1:30 p.m.

LB260  
LB423  
LB439

Friday, February 22, 2019 1:30 p.m.

LB554  
LB498

Wednesday, February 27, 2019 1:30 p.m.

LB220  
LB248

Thursday, February 28, 2019 1:00 p.m.

Division of Developmental Disabilities Briefing

Thursday, February 28, 2019 1:30 p.m.

LB323  
LB570  
LB540

Friday, March 1, 2019 1:30 p.m.

LB468  
LB571  
LB597

(Signed) Sara Howard, Chairperson

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on the advancement of LR1CA to Enrollment and Review Initial.

(Signed) Tony Vargas

**GENERAL FILE**

**LEGISLATIVE BILL 7.** Title read. Considered.

Committee AM139, found on page 389, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Blood withdrew her amendment, AM10, found on page 257.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 55.** Title read. Considered.

Committee AM47, found on page 389, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Pansing Brooks offered her amendment, AM191, found on page 439.

The Pansing Brooks amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 22.** Title read. Considered.

Committee AM18, found on page 389, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 60.** Title read. Considered.

Committee AM17, found on page 389, 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 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 74.** Title read. Considered.

Committee AM91, found on page 390, 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 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 302.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

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

Agriculture

**LEGISLATIVE BILL 333.** Placed on General File.

(Signed) Steve Halloran, Chairperson

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

Senator Friesen filed the following amendment to LB192:

AM213

1 1. On page 15, line 20, strike "2020" and insert "2021".

Senator Wayne filed the following amendment to LB490:

AM190 is available in the Bill Room.

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

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

Senator B. Hansen name added to LB112.

Senator Howard name added to LB312.

Senator Brewer name added to LB445.

Senator Bostelman name added to LB516.

Senator Bostelman name added to LB517.

Senator Quick name added to LB563.

Senator Albrecht name added to LB605.

Senator Pansing Brooks name added to LR1CA.  
Senator Blood name added to LR1CA.  
Senator M. Hansen name added to LR1CA.  
Senator Crawford name added to LR1CA.  
Senator Williams name added to LR1CA.  
Senator Howard name added to LR1CA.

### **VISITOR(S)**

Visitors to the Chamber were presidents and board members of Western Community College, Mid-Plains Community College, Central Community College, Northeast Community College, and Southeast Community College; delegates from Ukraine hosted by Friendship Force of Lincoln; and a group from Black Hills Energy from across the state.

The Doctor of the Day was Dr. Blake Cover from Omaha.

### **ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Friday, February 8, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 8, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 8, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**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 Senator Lowe who was excused; and Senator Morfeld who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 1003

Monday, March 4, 2019 1:30 p.m.

LB526  
LB448  
LB487  
LB418  
LB364  
LB408

Monday, March 18, 2019 1:30 p.m.

LB577  
LB19  
LB576  
LB360  
LB363

Monday, March 25, 2019 1:30 p.m.

LB428  
LB178  
LB464  
LB465

(Signed) Matt Hansen, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 7, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Ashford, Brad  
Houghton Bradford Whitted PC, LLO  
Benjamin, Connie  
AARP Nebraska  
Blythe, Dustin  
AT&T, Inc.  
Cole, Jeff  
Nebraska Children and Families Foundation  
Forbes, Meagan  
Institute for Justice  
Harr, Burke  
Houghton Bradford Whitted PC, LLO  
Hatfield, Scott S.  
CWB Holdings  
Mediterra  
Zilis Global  
Houghton Bradford Whitted PC, LLO  
Burlington Capital  
Husch Blackwell Strategies  
League of Nebraska Municipalities  
Mueller Robak  
Google  
Grow Nebraska Tax Coalition  
Nebraska Machinery Company (Withdrawn 02/06/2019)  
Nebraska Strategies  
USIC  
Pappas, James E.  
Independent Cattlemen of Nebraska (ICON)  
Radcliffe, Walter H. of Radcliffe and Associates  
Lincoln Clean Energy  
Wheeler, Douglas A.  
New York Life Insurance Company

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**GENERAL FILE**

**LEGISLATIVE BILL 200.** Title read. Considered.

Committee AM90, found on page 390, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 307.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 256.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 111.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 192.** Title read. Considered.

Senator Friesen offered his amendment, AM213, found on page 452.

The Friesen amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 192A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 80.** Title read. Considered.

Committee AM72, found on page 412, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 81.** Title read. Considered.

Committee AM73, found on page 412, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 21.** Introduced by Geist, 25; Albrecht, 17.

WHEREAS, Jane Polson has served as the president of Keep Nebraska Beautiful for twenty-eight years and has been a consistent advocate of the mission of Keep Nebraska Beautiful: to inspire Nebraskans to take actions that improve and beautify our communities; and

WHEREAS, Jane Polson's work supports a statewide network of more than twenty local affiliate organizations who look to her for answers on everything from programming to innovative ways to educate local communities; and

WHEREAS, Jane Polson spearheaded the Materials Exchange Program, which diverts useable materials away from landfills by facilitating peer-to-peer reuse and recycling of industrial waste stream materials by facilitating the donation of gently used but serviceable equipment, furniture, and supplies to Nebraska schools and nonprofit organizations; and

WHEREAS, Jane Polson was a leader in opening used oil collection sites across the state, providing Nebraskans with a safe and legal way to dispose of used oil; and

WHEREAS, Jane Polson has directed the School Chemical Cleanout Campaign for the last ten years, helping schools identify and catalog chemicals on premises and safely dispose of dangerous or outdated chemicals, making over three hundred Nebraska schools safer for students and staff; and

WHEREAS, Jane Polson has served as the statewide coordinator of national environmental cleanup initiatives including the Great American Cleanup, America Recycles Day, and the International Coastal Cleanup; and

WHEREAS, Jane Polson has been a tireless environmental educator throughout her career at Keep Nebraska Beautiful, spreading the word about how to recycle right, safely dispose of hazardous waste, reduce food waste, and end litter across the state; and

WHEREAS, in her many years of service, Jan Polson spread her passion for environmental education across the state and leaves behind a legacy of community stewardship; and

WHEREAS, Jane Polson will enjoy a well-deserved retirement spending time with her husband, children, and grandchildren.

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

1. That the Legislature thanks Jane Polson for her hard work and commitment to keeping Nebraska beautiful.
2. That the Legislature encourages Nebraskans to participate in the many programs available through Keep Nebraska Beautiful.
3. That a copy of this resolution be sent to Jane Polson.

Laid over.

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

Natural Resources

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

Richard S. Mercure - Niobrara Council

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 301.** Placed on Select File.

**LEGISLATIVE BILL 359.** Placed on Select File.

**LEGISLATIVE BILL 306.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Hilgers filed the following amendment to LB616:

AM203

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

2 sections:

3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 39-1349 (1) Except as provided in subsections ~~(5)~~ ~~(3)~~ and ~~(6)~~ ~~(4)~~ of

6 this section, all contracts for the construction, reconstruction,

7 improvement, maintenance, or repair of state highway system roads and  
8 bridges and their appurtenances shall be let by the department to the  
9 lowest responsible bidder. Bidders on such contracts must be prequalified  
10 to bid by the department except as provided in subsection (2) of section  
11 39-1351. The department may reject any or all bids and cause the work to  
12 be done as may be directed by the department.

13 (2) Except as provided in subsection (3) of this section, if If the  
14 contractor has furnished the department all required records and reports,  
15 the department shall pay to the contractor interest at a rate three  
16 percentage points above the average annual Federal Reserve composite  
17 prime lending rate for the previous calendar year rounded to the nearest  
18 one-tenth of one percent on the amount retained and on the final payment  
19 due the contractor beginning sixty days after the work under the contract  
20 has been completed as evidenced by the completion date established in the  
21 department's letter of tentative acceptance or, when tentative acceptance  
22 has not been issued, beginning sixty days after completion of the work  
23 and running until the date when payment is tendered to the contractor.  
24 (3) Subsection (2) of this section shall not apply to contracts  
25 which provide for payment pursuant to a set schedule over a period of  
26 time that extends beyond the completion of construction.

27 (4) (2) When the department is required by acts of Congress and  
1 rules and regulations made by an agent of the United States in pursuance  
2 of such acts to predetermine minimum wages to be paid laborers and  
3 mechanics employed on highway construction, the Director-State Engineer  
4 shall cause minimum rates of wages for such laborers and mechanics to be  
5 predetermined and set forth in contracts for such construction. The  
6 minimum rates shall be the scale of wages which the Director-State  
7 Engineer finds are paid and maintained by at least fifty percent of the  
8 contractors in performing highway work contracted with the department  
9 unless the Director-State Engineer further finds that such scale of wages  
10 so determined would unnecessarily increase the cost of such highway work  
11 to the state, in which event he or she shall reduce such determination to  
12 such scale of wages as he or she finds is required to avoid such  
13 unnecessary increase in the cost of such highway work.

14 (5) (3) The department, in its sole discretion, may permit a city or  
15 county to let state or federally funded contracts for the construction,  
16 reconstruction, improvement, maintenance, or repair of state highways,  
17 bridges, and their appurtenances located within the jurisdictional  
18 boundaries of such city or county, to the lowest responsible bidder when  
19 the work to be let is primarily local in nature and the department  
20 determines that it is in the public interest that the contract be let by  
21 the city or the county. Bidders on such contracts must be prequalified to  
22 bid by the department except as provided in subsection (2) of section  
23 39-1351.

24 (6) (4) The department, in its sole discretion, may permit a federal  
25 agency to let contracts for the construction, reconstruction,  
26 improvement, maintenance, or repair of state highways, bridges, and their  
27 appurtenances and may permit such federal agency to perform any and all  
28 other aspects of the project to which such contract relates, including,

29 but not limited to, preliminary engineering, environmental clearance,  
 30 final design, and construction engineering, when the department  
 31 determines that it is in the public interest to do so. Bidders on such  
 1 contracts must be prequalified to bid by the department except as  
 2 provided in subsection (2) of section 39-1351.

3 Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:

5 81-1701 The purpose of the Nebraska Consultants' Competitive  
 6 Negotiation Act is to provide managerial control over competitive  
 7 negotiations by the state for acquisition of professional architectural,  
 8 engineering, landscape architecture, or land surveying services. The act  
 9 does not apply to (1) contracts under section 57-1503, (2) contracts  
 10 under subsection ~~(6)~~ (4) of section 39-1349, (3) contracts under sections  
 11 39-2808 to 39-2823 except as provided in section 39-2810, or (4)  
 12 contracts under the State Park System Construction Alternatives Act  
 13 except as provided in section 37-1719.

14 Sec. 3. Original section 39-1349, Reissue Revised Statutes of  
 15 Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement,  
 16 2018, are repealed.

### COMMITTEE REPORT(S)

#### General Affairs

The General Affairs 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.

Paul Leckband - Nebraska Commission on Problem Gambling

Aye: 8 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.  
 Absent: 0. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

### COMMITTEE REPORT(S)

#### General Affairs

**LEGISLATIVE BILL 203.** Placed on General File.

**LEGISLATIVE BILL 235.** Placed on General File.

**LEGISLATIVE BILL 624.** Placed on General File.

(Signed) Tom Briese, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 214.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present  
 and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 52.** Title read. Considered.

Committee AM120, found on page 415, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 152.** Title read. Considered.

Committee AM96, found on page 417, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 186.** Title read. Considered.

Committee AM111, found on page 417, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 186A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 223.** Title read. Considered.

Committee AM61, found on page 419, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 442.** Title read. Considered.

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

**LEGISLATIVE BILL 536.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 622.** Title read. Considered.

Senator Williams offered the following amendment:

AM225

- 1 1. On page 6, line 11, after "substitute" insert "exchange, or
- 2 release"; in line 12 after "substituted" insert ", exchanged, or
- 3 released"; in line 13 after "act" insert "and such substitution,
- 4 exchange, or release shall not reduce the market value of the securities
- 5 to an amount that is less than one hundred two percent of the total
- 6 amount of public money or public funds less the portion of such public
- 7 money or public funds insured or guaranteed by the Federal Deposit
- 8 Insurance Corporation"; in lines 13 and 15 after "substitution" insert ",
- 9 exchange, or release"; in line 14 after "section" insert "by a bank,
- 10 capital stock financial institution, or qualifying mutual financial
- 11 institution utilizing the dedicated method as provided in subdivision (2)
- 12 (a) of section 77-2398."; and in lines 15 and 16 strike the new matter.
- 13 2. On page 7, line 10, after the last comma insert "and"; in line 11
- 14 strike "which", show as stricken, and insert "such deposit guaranty bond
- 15 and the market value of such securities"; in line 22 strike "to the",
- 16 show as stricken, and insert "pursuant to the Public Funds Deposit
- 17 Security Act", strike "director", and after the last comma insert "and";
- 18 and in line 23 strike "which", show as stricken, and insert "such deposit
- 19 guaranty bond and the market value of such securities".
- 20 3. On page 8, line 19, strike the new matter.
- 21 4. On page 10, line 13, strike "his or her designee" and insert "the
- 22 administrator"; in line 17 strike "be authorized to delegate to any" and
- 23 insert "designate a"; in line 20 strike "such of his or her rights and
- 24 responsibilities" and insert "to serve as the administrator"; in line 21
- 25 strike "as the director deems appropriate" and after "expenses" insert
- 26 "of such administrator"; strike beginning with "of" in line 22 through
- 27 "subsection" in line 24; and in line 31 strike "director" and insert
- 1 "administrator".
- 2 5. On page 11, after line 2, insert the following new subdivision:
- 3 "(iv) The single bank pooled method shall not be utilized by any
- 4 bank, capital stock financial institution, or qualifying mutual financial
- 5 institution unless an administrator has been designated by the director
- 6 pursuant to subdivision (2)(b)(ii) of this section and is acting as the
- 7 administrator.".
- 8 6. On page 12, line 7, strike "his or her designee" and insert "the
- 9 administrator".
- 10 7. On page 13, lines 1, 10, and 26 and 27, strike the new matter and
- 11 insert "administrator".
- 12 8. On page 15, line 1, after the first "the" insert "total
- 13 combined"; and in line 22, strike "It", show as stricken, and insert "The
- 14 director".
- 15 9. On page 17, lines 4 and 7 and 8, strike "his or her designee" and
- 16 insert "the administrator"; strike beginning with "In" in line 9 through
- 17 "to" in line 11 and insert "The director may"; and in line 12 strike the
- 18 second "and" and after "forms" insert ", or issue orders".

The Williams amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 4.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 185.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 372.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**  
Urban Affairs

**LEGISLATIVE BILL 160.** Placed on General File.

**LEGISLATIVE BILL 195.** Placed on General File.

**LEGISLATIVE BILL 124.** Placed on General File with amendment.

AM199

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

2 sections:

3 Section 1. Section 13-3210, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 13-3210 (1) Two or more municipalities may enter into an agreement  
6 pursuant to the Interlocal Cooperation Act to jointly create, administer,  
7 or create and administer for the creation, administration, or creation  
8 and administration of clean energy assessment districts. Notwithstanding  
9 subsection (1) of section 13-3204, the following provisions shall apply  
10 to jointly created districts:

11 (a) Such districts may be separate, overlapping, or coterminous and  
12 may be created anywhere within the municipalities that entered into the  
13 agreement or within their extraterritorial zoning jurisdictions, except  
14 that such districts shall not include any area within the corporate  
15 boundaries or extraterritorial zoning jurisdiction of any city or village  
16 unless such city or village is one of the municipalities that entered  
17 into the agreement; and

18 (b) The agreement shall provide for a governing body for any such  
19 district, which shall be made up of members of the governing bodies of

20 the municipalities that entered into the agreement.

21 (2) If the creation of clean energy assessment districts is  
22 implemented jointly by two or more municipalities, a single public  
23 hearing held jointly by the cooperating municipalities is sufficient to  
24 satisfy the requirements of subsection (2) of section 13-3204.

25 (3) A municipality or municipalities may contract with a third party  
26 for the administration of clean energy assessment districts.

27 Sec. 2. Original section 13-3210, Revised Statutes Cumulative  
1 Supplement, 2018, is repealed.

(Signed) Justin Wayne, Chairperson

Natural Resources

**LEGISLATIVE BILL 127.** Placed on General File with amendment.

AM184

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

3 Section 1. Section 37-455, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 37-455 (1) The commission may issue a limited permit for deer,  
6 antelope, wild turkey, or elk to a person who is a qualifying landowner  
7 or leaseholder ~~or a member of such person's and his or her~~ immediate  
8 family as described in this section. The commission may issue nonresident  
9 landowner limited permits after preference has been given for the  
10 issuance of resident permits as provided in rules and regulations adopted  
11 and promulgated by the commission. A permit shall be valid during the  
12 predetermined period established by the commission pursuant to sections  
13 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of an  
14 application in proper form as prescribed by the rules and regulations of  
15 the commission, the commission may issue (a) a limited deer, antelope, or  
16 wild turkey permit valid for hunting on all of the land which is owned or  
17 leased by the qualifying landowner or leaseholder if such lands are  
18 identified in the application or (b) a limited elk permit valid for  
19 hunting on the entire elk management unit of which the land of the  
20 qualifying landowner or leaseholder included in the application is a  
21 part.

22 (2)(a) The commission shall adopt and promulgate rules and  
23 regulations prescribing procedures and forms and create requirements for  
24 documentation by an applicant or permittee to determine whether the  
25 applicant or permittee is a Nebraska resident and is a qualifying  
26 landowner or leaseholder of the described property or is a member of the  
27 immediate family of such qualifying landowner or leaseholder. The  
1 commission may adopt and promulgate rules and regulations that create  
2 requirements for documentation to designate one qualifying landowner  
3 among partners of a partnership or officers or shareholders of a  
4 corporation that owns or leases eighty acres or more of farm or ranch  
5 land for agricultural purposes and among beneficiaries of a trust that  
6 owns or leases eighty acres or more of farm or ranch land for

7 agricultural purposes. Only a person who is a qualifying landowner or  
8 leaseholder ~~or a member of~~ and such person's immediate family may apply  
9 for a limited permit. An applicant may apply for no more than one permit  
10 per species per year except as otherwise provided in the rules and  
11 regulations of the commission. For purposes of this section, member of a  
12 person's immediate family means and is limited to the spouse of such  
13 person, any child or stepchild of such person or of the spouse of such  
14 person, any spouse of any such child or stepchild, any sibling of such  
15 person sharing ownership in the property, and any spouse of any such  
16 sibling a husband and wife and their children or siblings sharing  
17 ownership in the property.

18 (b) The conditions applicable to permits issued pursuant to sections  
19 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,  
20 shall apply to limited permits issued pursuant to this section, except  
21 that the commission may pass commission orders for species harvest  
22 allocation pertaining to the sex and age of the species harvested which  
23 are different for a limited permit than for other hunting permits. For  
24 purposes of this section, white-tailed deer and mule deer shall be  
25 treated as one species.

26 (3)(a) To qualify for a limited permit to hunt deer or antelope, the  
27 applicant shall be a Nebraska resident who (i) owns or leases eighty  
28 acres or more of farm or ranch land for agricultural purposes or a member  
29 of such person's immediate family or (ii) is the partner, officer,  
30 shareholder, or beneficiary designated as the qualifying landowner by a  
31 partnership, corporation, or trust as provided in the rules and  
1 regulations under subdivision (2)(a) of this section or a member of the  
2 immediate family of the partner, officer, shareholder, or beneficiary.

3 The number of limited permits issued annually per species for each farm  
4 or ranch shall not exceed the total acreage of the farm or ranch divided  
5 by eighty. The fee for a limited permit to hunt deer or antelope shall be  
6 one-half the fee for the regular permit for such species.

7 (b) A nonresident of Nebraska who owns three hundred twenty acres or  
8 more of farm or ranch land in the State of Nebraska for agricultural  
9 purposes or a member of such person's immediate family may apply for a  
10 limited deer or antelope permit. The number of limited permits issued  
11 annually per species for each farm or ranch shall not exceed the total  
12 acreage of the farm or ranch divided by three hundred twenty. The fee for  
13 such a permit to hunt deer or antelope shall be one-half the fee for a  
14 nonresident permit to hunt such species.

15 (c) The commission may adopt and promulgate rules and regulations  
16 providing for the issuance of an additional limited deer permit to a  
17 qualified individual for the taking of a deer without antlers at a fee  
18 equal to or less than the fee for the original limited permit.

19 (4)(a) To qualify for a limited permit to hunt wild turkey, the  
20 applicant shall be a Nebraska resident who (i) owns or leases eighty  
21 acres or more of farm or ranch land for agricultural purposes or a member  
22 of such person's immediate family or (ii) is the partner, officer,  
23 shareholder, or beneficiary designated as the qualifying landowner by a  
24 partnership, corporation, or trust as provided in the rules and

25 regulations under subdivision (2)(a) of this section or a member of the  
26 immediate family of the partner, officer, shareholder, or beneficiary.  
27 The number of limited permits issued annually per season for each farm or  
28 ranch shall not exceed the total acreage of the farm or ranch divided by  
29 eighty. An applicant may apply for no more than one limited permit per  
30 season. The fee for a limited permit to hunt wild turkey shall be one-  
31 half the fee for the regular permit to hunt wild turkey.

1 (b) A nonresident of Nebraska who owns three hundred twenty acres or  
2 more of farm or ranch land in the State of Nebraska for agricultural  
3 purposes or a member of such person's immediate family may apply for a  
4 limited permit to hunt wild turkey. Only one limited wild turkey permit  
5 per three hundred twenty acres may be issued annually for each wild  
6 turkey season under this subdivision. The fee for such a permit to hunt  
7 shall be one-half the fee for a nonresident permit to hunt wild turkey.

8 (5) To qualify for a limited permit to hunt elk, (a) the applicant  
9 shall be (i) a Nebraska resident who owns three hundred twenty acres or  
10 more of farm or ranch land for agricultural purposes, (ii) a Nebraska  
11 resident who leases six hundred forty acres or more of farm or ranch land  
12 for agricultural purposes or has a leasehold interest and an ownership  
13 interest in farm or ranch land used for agricultural purposes which when  
14 added together totals at least six hundred forty acres, (iii) a  
15 nonresident of Nebraska who owns at least one thousand two hundred eighty  
16 acres of farm or ranch land for agricultural purposes, or (iv) a member  
17 of such owner's or lessee's immediate family and (b) the qualifying farm  
18 or ranch land of the applicant shall be within an area designated as an  
19 elk management zone by the commission in its rules and regulations. An  
20 applicant shall not be issued a limited bull elk permit more than once  
21 every three years, and the commission may give preference to a person who  
22 did not receive a limited elk permit or a specified type of limited elk  
23 permit during the previous years. The fee for a resident landowner  
24 limited permit to hunt elk shall not exceed one-half the fee for the  
25 regular permit to hunt elk. The fee for a nonresident landowner limited  
26 permit to hunt elk shall not exceed three times the cost of a resident  
27 elk permit. The number of applications allowed for limited elk permits  
28 for each farm or ranch shall not exceed the total acreage of the farm or  
29 ranch divided by the minimum acreage requirements established for the  
30 property. No more than one person may qualify for the same described  
31 property.

1 Sec. 2. Original section 37-455, Reissue Revised Statutes of  
2 Nebraska, is repealed.

(Signed) Dan Hughes, Chairperson

Business and Labor

**LEGISLATIVE BILL 139.** Placed on General File with amendment.  
AM170

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

3 Section 1. Section 48-2117, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 48-2117 (1) The Department of Labor, in conjunction with the  
6 Department of Revenue, shall create a data base of contractors who are  
7 registered under the Contractor Registration Act and the Nebraska Revenue  
8 Act of 1967.

9 (2) The data base shall be accessible on the web site of the  
10 Department of Labor.

11 (3) The data base shall include, but not be limited to, the  
12 following information with respect to each registered contractor:

13 (a) Whether the contractor carries workers' compensation insurance  
14 in accordance with the Nebraska Workers' Compensation Act;

15 (b) Whether the contractor is self-insured in accordance with the  
16 Nebraska Workers' Compensation Act; or

17 (c) Whether the contractor is a sole proprietor with no employees  
18 and does not carry workers' compensation insurance pursuant to the

19 Nebraska Workers' Compensation Act.  
20 (4) The information described in subdivision (3)(c) of this section,  
21 as it is listed in the data base, creates a presumption of no coverage  
22 that may be rebutted by an insurer acknowledging coverage for a claimed  
23 covered event.

24 (5) The information required under subsection (3) of this section is  
25 solely for the purpose of establishing premiums for workers' compensation  
26 insurance and shall not affect liability under the Nebraska Workers'  
27 Compensation Act or compliance efforts pursuant to section 48-145.01.

1 (6) ~~(2)~~ Any contractor that fails to comply with the requirements of  
2 the Contractor Registration Act or Nebraska Revenue Act of 1967 shall be  
3 removed from the data base.

4 Sec. 2. Original section 48-2117, Reissue Revised Statutes of  
5 Nebraska, is repealed.

(Signed) Matt Hansen, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 122.** Placed on Select File with amendment.  
ER15

1 1. In the Crawford amendment, AM164, on page 1, line 23, strike  
2 "(3)", show as stricken, and insert "(2)".

3 2. On page 1, line 4, strike "and"; and in line 5 after "section"  
4 insert "; and to declare an emergency".

**LEGISLATIVE RESOLUTION 1CA.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Caldwell, Dawn - Nebraska State Fair Board - Agriculture  
Kircher, Chris - Nebraska State Fair Board - Agriculture

(Signed) Mike Hilgers, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 22.** Introduced by Vargas, 7; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Anne Boyle of Omaha was a dedicated public servant who devoted her life to advocating on the behalf of others; and

WHEREAS, Anne Boyle was a pioneering woman in Nebraska politics, a dynamic leader, a passionate public servant, and a loving wife, mother, and grandmother; and

WHEREAS, Anne Boyle was a mentor for women of Nebraska looking to enter politics; and

WHEREAS, Anne Boyle spent her life advocating for underprivileged and marginalized Nebraskans; and

WHEREAS, Anne Boyle was the great-granddaughter of Edward Howell, an Omaha City Councilman and former Nebraska State Senator; and

WHEREAS, Anne Boyle was the granddaughter of Sam J. Howell, a former Nebraska State Senator; and

WHEREAS, Anne Boyle was the daughter of Sam J. Howell, Jr., a former Douglas County Treasurer; and

WHEREAS, Anne Boyle graduated from Cathedral High School in Omaha in 1961; and

WHEREAS, Anne Boyle married Mike Boyle in 1965; and

WHEREAS, Anne Boyle was elected three times to the Public Service Commission, serving from 1996 until her retirement in 2015; and

WHEREAS, Anne Boyle was the first woman elected in the 130-year history of the Public Service Commission; and

WHEREAS, Anne Boyle bolstered the Lifeline Fund, helping low-income Nebraskans gain access to cell phone services in emergencies; and

WHEREAS, Anne Boyle was the chair of the Consumer Affairs Committee of the National Association of Regulatory Utility Commissioners; and

WHEREAS, Anne Boyle was the mother of five children, Maureen, Michael, Pat, Jim, and Maggie; and

WHEREAS, Anne Boyle was the grandmother of eighteen grandchildren.

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

1. That the Legislature recognizes the significant and important contributions Anne Boyle made to the State of Nebraska and its citizens.
2. That the Legislature recognizes the thousands of Nebraskans uplifted by the dedication and work of Anne Boyle.
3. That the Legislature offers its condolences to the family of Anne Boyle.

Laid over.

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

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

Senator McCollister name added to LB15.  
 Senator Hunt name added to LB154.  
 Senator McCollister name added to LB154.  
 Senator McCollister name added to LB306.  
 Senator McCollister name added to LB463.  
 Senator McCollister name added to LR1CA.  
 Senator Dorn name added to LR1CA.

#### **VISITOR(S)**

Visitors to the Chamber were Senator Linehan's sister, Kay Ebeler, from Crab Orchard; a group of Nebraska veterans and auxiliary from across the state; Sara and Meagan Macklin from Blue Hill and Audrey and Elisabeth Berns from Bladen; and members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

#### **ADJOURNMENT**

At 11:44 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Monday, February 11, 2019.

Patrick J. O'Donnell  
 Clerk of the Legislature

**TWENTY-THIRD DAY - FEBRUARY 11, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 11, 2019

**PRAYER**

The prayer was offered by Reverend Kent Little, First United Methodist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Stinner who was excused; and Senators Briese, Friesen, M. Hansen, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

January 31, 2019

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

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

Contingent upon your approval, the following individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Greg Adams, 831 West 4th Street, York, NE 68467  
Paul Turman, Nebraska State College System, 1327 H Street, Suite 200,  
Lincoln, NE 68508

Contingent upon your approval, the following individual is being

reappointed to the Nebraska Educational Telecommunications Commission:

Patricia Kircher, 15715 California Street, Omaha, NE 68118

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 31, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

John M. Hoggatt, 10210 14th Avenue, Kearney, NE 68845

Contingent upon your approval, the following individual is being reappointed to the Nebraska Game and Parks Commission:

Robert E. Allen, 1 Plum Creek Canyon DR12G, Eustis, NE 69028

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 31, 2019

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

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

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

Frank Reida, 1122 Turner Blvd., Omaha, NE 68105

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 31, 2019

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

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

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

Scott Hollman, 1021 W. Burt Drive, Lincoln, NE 68521

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Thomas Phipps, 3724 North 101 Street, Omaha, NE 68134  
Steven Bley, 8609 Highway 1, Nehawka, NE 68413

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 4, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Jeremy Jensen, 2207 Woodridge Lane, Grand Island, NE 68801

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 6, 2019

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

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

Contingent upon your approval, the following individual is being appointed as the Executive Director of the Nebraska Crime Commission:

Don Arp Jr., MA, 7220 Tallgrass Parkway, Apt. 301E, Lincoln, NE 68521

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 18 and 19 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 18 and 19.

**MOTION(S) - Confirmation Report(s)**

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 401:

- Technical Advisory Committee for Statewide Assessment
  - Robert Henson
  - Jeffrey Nellhaus
  - Linda Poole

Voting in the affirmative, 40:

- |           |          |            |             |                |
|-----------|----------|------------|-------------|----------------|
| Albrecht  | Clements | Halloran   | La Grone    | Murman         |
| Arch      | Crawford | Hansen, B. | Lathrop     | Pansing Brooks |
| Blood     | DeBoer   | Hilgers    | Lindstrom   | Quick          |
| Bostelman | Dorn     | Howard     | Lowe        | Scheer         |
| Brandt    | Erdman   | Hughes     | McCollister | Slama          |
| Brewer    | Geist    | Hunt       | McDonnell   | Walz           |
| Cavanaugh | Gragert  | Kolowski   | Morfeld     | Wayne          |
| Chambers  | Groene   | Kolterman  | Moser       | Williams       |

Voting in the negative, 0.

Present and not voting, 3:

- Bolz
- Hilkemann
- Linehan

Excused and not voting, 6:

- Briese
- Friesen
- Hansen, M.
- Stinner
- Vargas
- Wishart

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 448:

- Nebraska Natural Resources Commission
  - Loren Taylor

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Howard	Lowe	Walz
Bostelman	Dorn	Hughes	McCollister	Wayne
Brandt	Erdman	Hunt	McDonnell	Williams
Brewer	Geist	Kolowski	Moser	
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 3:

Bolz	Hilkemann	Morfeld
------	-----------	---------

Excused and not voting, 5:

Friesen	Hansen, M.	Stinner	Vargas	Wishart
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The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 193.** ER3, found on page 373, was adopted.

Senator Wayne offered his amendment, AM87, found on page 391.

The Wayne amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 194.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 196.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** ER8, found on page 404, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 70.** ER13, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 78.** ER10, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### ANNOUNCEMENT

The Chair announced the birthday of Senator M. Hansen.

#### SELECT FILE

**LEGISLATIVE BILL 221.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 42.** ER11, found on page 427, was adopted.

Pending.

**LEGISLATIVE BILL 115.** ER9, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 188.** Considered.

Senator Chambers offered the following motion:

MO9

Indefinitely postpone.

Pending.

**LEGISLATIVE BILL 42.** Senator Hilkemann offered the following amendment:

AM195

1 1. On page 3, line 2, after "located" insert "a condominium  
2 statement listing the name of such board or other administrative body  
3 and"; and in line 11 strike "to each building in" and insert ", main  
4 office, or other prominent location in the common area of".  
5 2. On page 5, line 16, after "located" insert "a condominium  
6 statement listing the name of the association and"; and strike beginning  
7 with "to" in line 23 through "in" in line 24 and insert ", main office,  
8 or other prominent location in the common area of".

The Hilkemann amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 258.** ER12, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 259.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 355.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 75.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 11.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 57.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 121.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 63.** ER14, found on page 447, was adopted.

Senator Groene offered the following amendment:

AM187

1 1. Insert the following new section:

2 Sec. 5. Section 35-1207, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 35-1207 (1) Any rural or suburban fire protection district or mutual

5 finance organization seeking funds pursuant to the Mutual Finance

6 Assistance Act shall submit an application and any forms required by the

7 State Treasurer. Such application and forms shall be submitted for

8 ~~funding~~ to the State Treasurer by July 1. The State Treasurer shall

9 develop the application which requires calculations showing assumed

10 population eligibility under section 35-1205 and the distribution amount

11 under section 35-1206. If the applicant is a mutual finance organization,

12 it shall attach to its first application a copy of the agreement pursuant

13 to section 35-1204 and attach to any subsequent application a copy of an

14 amended agreement or an affidavit stating that the previously submitted

15 agreement is still accurate and effective. Any mutual finance

16 organization making application pursuant to this section shall include

17 with the application additional financial information regarding the  
18 manner in which any funds received by the mutual finance organization  
19 based upon the prior year's application pursuant to the act have been  
20 expended or distributed by that mutual finance organization. The State  
21 Treasurer shall provide electronic copies of such reports on mutual  
22 finance organization expenditures and distributions to the Clerk of the  
23 Legislature by December 1 of each year in which any reports are filed.

24 (2) The State Treasurer shall review all applications for  
25 eligibility for funds under the act and approve any application which is  
26 accurate and demonstrates that the applicant is eligible for funds. On or  
27 before August 15, the State Treasurer shall notify the applicant of  
1 approval or denial of the application and certify the amount of funds for  
2 which an approved applicant is eligible. The decision of the State  
3 Treasurer may be appealed as provided in the Administrative Procedure  
4 Act.

5 (3) Except as provided in subsection (4) of this section, funds  
6 shall be disbursed by the State Treasurer in two payments which are as  
7 nearly equal as possible, to be paid on or before November 1 and May 1.  
8 If the Mutual Finance Assistance Fund is insufficient to make all  
9 payments to all applicants in the amounts provided in section 35-1206,  
10 the State Treasurer shall prorate payments to approved applicants. Funds  
11 remaining in the Mutual Finance Assistance Fund on June 1 shall be  
12 transferred to the General Fund before July 1.

13 (4) No funds shall be disbursed to an eligible mutual finance  
14 organization until it has provided to the State Treasurer the financial  
15 information regarding the manner in which it has expended or distributed  
16 prior disbursements made pursuant to the Mutual Finance Assistance Act as  
17 provided in subsection (1) ~~(2)~~ of this section.

18 2. Renumber the remaining sections and correct the repealer  
19 accordingly.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 32.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 65.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 102.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 71.** Placed on Select File.**LEGISLATIVE BILL 146.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 4A.** 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 4, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 450A.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, One Hundred Sixth Legislature, First Session, 2019.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 23.** Introduced by Crawford, 45; Blood, 3.

WHEREAS, Paul Hartnett began his education career in 1951 teaching elementary school in Hubbard and Brunswick. His career flourished during the ten years he spent as an administrator with Bellevue Public Schools from 1958 to 1968. He then went on to mentor teachers as a professor of education at Creighton University for thirty-eight years, while serving on the school board for the Bellevue Public Schools for eighteen years and, later, on the coordinating council for the Learning Community of Sarpy and Douglas Counties for ten years; and

WHEREAS, in 1984, Paul Hartnett was elected to represent the 45th legislative district. While serving the state for twenty years as a member of the Legislature, Senator Paul Hartnett was committed to helping children, increasing community action, and fostering opportunities for education; and

WHEREAS, Paul Hartnett has been a member of many fraternal, civic, and religious organizations, including the Knights of Columbus, Fraternal Order of Eagles, Optimists, Phi Delta Kappa, and Chamber of Commerce; and

WHEREAS, Paul Hartnett exemplifies public service and was recognized with the 2018 Champion for Children Award by Voices for Children; and

WHEREAS, Paul Hartnett has dedicated five decades to education and public service in Bellevue and the surrounding area.

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

1. That the Legislature thanks Paul Hartnett for his years of service to the state and the Bellevue community.
2. That a copy of this resolution be sent to Paul Hartnett.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Wednesday, February 27, 2019 1:30 p.m.

LB133  
LB262  
LB286  
LB331  
LB365  
LB739

Thursday, February 28, 2019 1:30 p.m.

LB54  
LB58  
LB198  
LB343  
LB275  
LB582

Friday, March 1, 2019 1:30 p.m.

LB395  
LB396  
LB433  
LB434  
LB435  
LB689

Wednesday, March 6, 2019 1:30 p.m.

LB179  
LB231  
LB352  
LB377  
LB595  
LB690

Thursday, March 7, 2019 1:30 p.m.

LB44  
LB207  
LB238

Wednesday, March 13, 2019 1:30 p.m.

LB164  
LB173  
LB475  
LB478  
LB519  
LB630

Thursday, March 14, 2019 1:30 p.m.

LB387  
LB427  
LB471  
LB643  
LB708  
LB712

Friday, March 15, 2019 1:30 p.m.

LB131  
LB176  
LB458  
LB479  
LB484  
LB496

Wednesday, March 20, 2019 1:30 p.m.

LB89  
LB90  
LB91  
LB209  
LB503  
LB652  
LB684

Thursday, March 21, 2019 1:30 p.m.

LB308  
LB324  
LB392

LB491  
LB517  
LB685

Wednesday, March 27, 2019 1:30 p.m.

LB455  
LB539  
LB578  
LB686

Thursday, March 28, 2019 1:30 p.m.

LB106  
LB353  
LB369  
LB502  
LB658

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 20, 2019 1:30 p.m.

LB151  
LB99  
LB452  
LB21

Thursday, February 21, 2019 1:30 p.m.

LB9  
LB337  
LB386  
LB609  
LB273

Friday, February 22, 2019 1:30 p.m.

LB342  
LB101  
LB175  
LB618

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 319.** Placed on General File.

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 699.** Placed on General File.**LEGISLATIVE BILL 8.** Placed on General File with amendment.

AM33

1 1. On page 2, line 9, after "director" insert an underscored comma;  
2 and in line 10 after "sheriff" insert "and, with respect to a physician  
3 medical director, such person has successfully completed an emergency  
4 vehicle operator course".

**LEGISLATIVE BILL 156.** Placed on General File with amendment.

AM19

1 1. Insert the following new section:  
2 Sec. 9. Section 60-3,104, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 60-3,104 The department shall issue the following types of license  
5 plates:  
6 (1) Amateur radio station license plates issued pursuant to section  
7 60-3,126;  
8 (2) Apportionable vehicle license plates issued pursuant to section  
9 60-3,203;  
10 (3) Autocycle license plates issued pursuant to section 60-3,100;  
11 (4) Boat dealer license plates issued pursuant to section 60-379;  
12 (5) Breast Cancer Awareness Plates issued pursuant to sections  
13 60-3,230 and 60-3,231;  
14 (6) Bus license plates issued pursuant to section 60-3,144;  
15 (7) Choose Life License Plates issued pursuant to sections 60-3,232  
16 and 60-3,233;  
17 (8) Commercial motor vehicle license plates issued pursuant to  
18 section 60-3,147;  
19 (9) Dealer or manufacturer license plates issued pursuant to  
20 sections 60-3,114 and 60-3,115;  
21 (10) Disabled veteran license plates issued pursuant to section  
22 60-3,124;  
23 (11) Farm trailer license plates issued pursuant to section  
24 60-3,151;  
25 (12) Farm truck license plates issued pursuant to section 60-3,146;  
26 (13) Farm trucks with a gross weight of over sixteen tons license  
27 plates issued pursuant to section 60-3,146;  
1 (14) Fertilizer trailer license plates issued pursuant to section  
2 60-3,151;

- 3 (15) Former military vehicle license plates issued pursuant to  
4 section 10 of this act;  
5 (16) ~~(15)~~ Gold Star Family license plates issued pursuant to  
6 sections 60-3,122.01 and 60-3,122.02;  
7 (17) ~~(16)~~ Handicapped or disabled person license plates issued  
8 pursuant to section 60-3,113;  
9 (18) ~~(17)~~ Historical vehicle license plates issued pursuant to  
10 sections 60-3,130 to 60-3,134;  
11 (19) ~~(18)~~ Local truck license plates issued pursuant to section  
12 60-3,145;  
13 (20) ~~(19)~~ Metropolitan utilities district license plates issued  
14 pursuant to section 60-3,228;  
15 (21) ~~(20)~~ Military Honor Plates issued pursuant to sections  
16 60-3,122.03 and 60-3,122.04;  
17 (22) ~~(21)~~ Minitruck license plates issued pursuant to section  
18 60-3,100;  
19 (23) ~~(22)~~ Motor vehicle license plates for motor vehicles owned or  
20 operated by the state, counties, municipalities, or school districts  
21 issued pursuant to section 60-3,105;  
22 (24) ~~(23)~~ Motor vehicles exempt pursuant to section 60-3,107;  
23 (25) ~~(24)~~ Motorcycle license plates issued pursuant to section  
24 60-3,100;  
25 (26) ~~(25)~~ Mountain Lion Conservation Plates issued pursuant to  
26 sections 60-3,226 and 60-3,227;  
27 (27) ~~(26)~~ Native American Cultural Awareness and History Plates  
28 issued pursuant to sections 60-3,234 and 60-3,235;  
29 (28) ~~(27)~~ Nebraska Cornhusker Spirit Plates issued pursuant to  
30 sections 60-3,127 to 60-3,129;  
31 (29) ~~(28)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to  
1 sections 60-3,223 to 60-3,225;  
2 (30) ~~(29)~~ Nonresident owner thirty-day license plates issued  
3 pursuant to section 60-382;  
4 (31) ~~(30)~~ Passenger car having a seating capacity of ten persons or  
5 less and not used for hire issued pursuant to section 60-3,143 other than  
6 autocycles;  
7 (32) ~~(31)~~ Passenger car having a seating capacity of ten persons or  
8 less and used for hire issued pursuant to section 60-3,143 other than  
9 autocycles;  
10 (33) ~~(32)~~ Pearl Harbor license plates issued pursuant to section  
11 60-3,122;  
12 (34) ~~(33)~~ Personal-use dealer license plates issued pursuant to  
13 section 60-3,116;  
14 (35) ~~(34)~~ Personalized message license plates for motor vehicles,  
15 trailers, and semitrailers, except motor vehicles, trailers, and  
16 semitrailers registered under section 60-3,198, issued pursuant to  
17 sections 60-3,118 to 60-3,121;  
18 (36) ~~(35)~~ Prisoner-of-war license plates issued pursuant to section  
19 60-3,123;  
20 (37) ~~(36)~~ Public power district license plates issued pursuant to

21 section 60-3,228;  
22 ~~(38)~~ ~~(37)~~ Purple Heart license plates issued pursuant to section  
23 60-3,125;  
24 ~~(39)~~ ~~(38)~~ Recreational vehicle license plates issued pursuant to  
25 section 60-3,151;  
26 ~~(40)~~ ~~(39)~~ Repossession license plates issued pursuant to section  
27 60-375;  
28 ~~(41)~~ ~~(40)~~ Special interest motor vehicle license plates issued  
29 pursuant to section 60-3,135.01;  
30 ~~(42)~~ ~~(41)~~ Specialty license plates issued pursuant to sections  
31 60-3,104.01 and 60-3,104.02;  
1 ~~(43)~~ ~~(42)~~ Trailer license plates issued for trailers owned or  
2 operated by the state, counties, municipalities, or school districts  
3 issued pursuant to section 60-3,106;  
4 ~~(44)~~ ~~(43)~~ Trailer license plates issued pursuant to section  
5 60-3,100;  
6 ~~(45)~~ ~~(44)~~ Trailer license plates issued for trailers owned or  
7 operated by a metropolitan utilities district or public power district  
8 pursuant to section 60-3,228;  
9 ~~(46)~~ ~~(45)~~ Trailers exempt pursuant to section 60-3,108;  
10 ~~(47)~~ ~~(46)~~ Transporter license plates issued pursuant to section  
11 60-378;  
12 ~~(48)~~ ~~(47)~~ Trucks or combinations of trucks, truck-tractors, or  
13 trailers which are not for hire and engaged in soil and water  
14 conservation work and used for the purpose of transporting pipe and  
15 equipment exclusively used by such contractors for soil and water  
16 conservation construction license plates issued pursuant to section  
17 60-3,149;  
18 ~~(49)~~ ~~(48)~~ Utility trailer license plates issued pursuant to section  
19 60-3,151; and  
20 ~~(50)~~ ~~(49)~~ Well-boring apparatus and well-servicing equipment license  
21 plates issued pursuant to section 60-3,109.  
22 2. On page 2, line 11, after "a" insert "motor".  
23 3. On page 4, line 15, after "a" insert "motor"; and in line 21  
24 after the period insert "Former military vehicle license plates shall  
25 display, in addition to the registration number, the designation former  
26 military vehicle.".  
27 4. On page 11, line 2, after "a" insert "motor".  
28 5. On page 15, line 15, after "a" insert "motor".  
29 6. Renumber the remaining sections, correct internal references, and  
30 correct the repealer accordingly.

(Signed) Curt Friesen, Chairperson

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

Senator Crawford filed the following amendment to LB122:  
AM247

(Amendments to AM164)

1 1. On page 1, lines 14 and 16, strike "March" and insert "January".

Senator Crawford filed the following amendment to LB614:  
AM186

1 1. On page 15, lines 22, 29, 30, and 31, strike the new matter and  
2 reinstate the stricken matter.

3 2. On page 16, lines 1, 28, 29, and 31, strike the new matter and  
4 reinstate the stricken matter.

**GENERAL FILE**

**LEGISLATIVE BILL 103.** Title read. Considered.

Committee AM116, found on page 422, was adopted with 35 ayes, 1 nay,  
10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 9 present  
and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 183.** Title read. Considered.

Committee AM158, found on page 424, was offered.

Pending.

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

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

Senator Blood name added to LB16.

Senator La Grone name added to LB16.

Senator Blood name added to LB150.

Senator Kolterman name added to LB227.

Senator La Grone name added to LB511.

Senator Bostelman name added to LB519.

Senator Walz name added to LR1CA.

Senator La Grone name added to LR1CA.

Senator Erdman name added to LR5CA.

**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FOURTH DAY - FEBRUARY 12, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 12, 2019

**PRAYER**

The prayer was offered by Senator Kolterman.

**PRESENTATION OF COLORS**

In recognition of the 210th anniversary of the birth of Abraham Lincoln, born February 12, 1809, the Colors are being posted by the Nebraska Department of the Sons of Union Veterans of the Civil War.

**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, Groene, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, February 19, 2019 1:30 p.m.

LB161  
LB398  
LB728  
LB727

(Signed) Mike Groene, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Kolterman - LB720

Nebraska Retirement Systems - LB31

Nebraska Retirement Systems - LB34

**GENERAL FILE**

**LEGISLATIVE BILL 183.** Committee AM158, found on page 424 and considered on page 487, was renewed.

**SENATOR LINDSTROM PRESIDING****SENATOR HUGHES PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 154.** Placed on Select File.

**LEGISLATIVE BILL 264.** Placed on Select File with amendment.

ER16

1 1. On page 2, line 8, strike "shall mean", show as stricken, and  
2 insert "means".

**LEGISLATIVE BILL 7.** Placed on Select File with amendment.

ER17

1 1. On page 2, line 6, strike "This" and insert "sections 2 to 5 of  
2 this".  
3 2. On page 3, line 14, strike the comma and insert "or"; and in line  
4 15 strike the comma.

**LEGISLATIVE BILL 55.** Placed on Select File with amendment.

ER19

1 1. In the Pansing Brooks amendment, AM191, on page 4, line 26,  
2 strike "(A)" and insert "(a)".  
3 2. On page 1, strike beginning with "minors" in line 1 through  
4 "section" in line 4 and insert "property; to amend sections 30-2478,  
5 30-2723, and 30-3859, Reissue Revised Statutes of Nebraska, and section  
6 43-2101, Revised Statutes Cumulative Supplement, 2018; to change powers  
7 of copersonal representatives, cotrustees, coguardians, and  
8 coconservators; to change provisions relating to accounts with POD  
9 designations; to authorize persons eighteen years of age to acquire or  
10 convey title to real property and to enter into and execute related legal

11 documents; to harmonize provisions; and to repeal the original 12 sections."

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 24.** Introduced by Howard, 9.

WHEREAS, Lieutenant Colonel Ervin H. Goeden joined the Army Air Corps during his senior year of high school in 1942; and

WHEREAS, Lt. Col. Goeden flew B-17 bombers during World War II with the Eighth Air Force in Europe; and

WHEREAS, Lt. Col. Goeden continued his service to the United States flying B-29 bombers and RB-47 reconnaissance aircraft as a navigator in the 55th Reconnaissance Wing, retiring after 29 years of honorable active service in the Army Air Corps and United States Air Force; and

WHEREAS, Lt. Col. Goeden lived a life of service to his country and his family.

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

1. That the Legislature recognizes the lifetime service of Lieutenant Colonel Ervin H. Goeden.
2. That the Legislature extends its condolences to the Goeden family.
3. That a copy of this resolution be sent to the Goeden family.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Friday, March 1, 2019 1:30 p.m.

Michelle Schindler - Crime Victim's Reparations Committee

Shawn Eatherton - Crime Victim's Reparations Committee

Thomas Parker - Crime Victim's Reparations Committee

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 224.** Placed on General File.

(Signed) Matt Williams, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 183.** Committee AM158, found on page 424 and considered on page 487 and in this day's Journal, was renewed.

Senator Wayne offered the following motion:

MO11

Bracket until April 1, 2019.

Pending.

**LEGISLATIVE BILL 450.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 450A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Committee AM159, found on page 426, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 159.** Title read. Considered.

**SENATOR HUGHES PRESIDING**

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 380.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 469.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 119.** Title read. Considered.

Committee AM211, found on page 449, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 333.** Title read. Considered.

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

**LEGISLATIVE BILL 203.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 235.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 624.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 16.** Placed on General File.

(Signed) Tom Brewer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 1525

Wednesday, February 20, 2019 12:00 p.m.

LB313  
LB330  
LB596

Friday, February 22, 2019 12:00 p.m.

LB631  
LR15

(Signed) Mike Hilgers, Chairperson

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

Senator Crawford filed the following amendment to LB183:

FA5

Amend AM158

Line 14, strike thirty replace with seventy.

Senator Lathrop filed the following amendment to LB301:

AM257

1 1. On page 20, line 4, strike "greater", show as stricken, and  
2 insert "less" and strike "one", show as stricken, and insert "three".

Senator Lathrop filed the following amendment to LB139:

AM260

(Amendments to Standing Committee amendments, AM170)

1 1. On page 1, line 24, strike "is" and insert "and the presumption  
2 provided in subsection (4) of this section are".

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

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

Senator Chambers name added to LB83.

Senator Hunt name added to LB160.

Senator Hunt name added to LB450.

Senator Chambers name added to LR1CA.

**WITHDRAW - Cointroducer(s)**

Senator Hunt name withdrawn from LB149.

**VISITOR(S)**

Visitors to the Chamber were a group from the Nebraska Health Care Association; Veronica Chapman from Lincoln; Mick Hale and Randy Bretz from Leadership Lincoln; former five term Republican Congressman from South Carolina and Executive Director of RepublicEn, Bob Inglis; students and sponsor from Wayne High School and Wayne State College; a group from Leadership Wayne; a group from Leadership Sarpy; members from the Nebraska Bankers Association Leadership Program class from across the

state; retired members of the Nebraska State Education Association from across the state; and former Senator Dave Bloomfield from Hoskins.

**ADJOURNMENT**

At 11:47 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 13, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 13, 2019

**PRAYER**

The prayer was offered by Senator Clements.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Hilgers and Lindstrom who were excused; and Senator Vargas who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

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

Warner Chamber

Friday, February 22, 2019 1:30 p.m.

Robert W. Twiss - Board of Parole

(Signed) Steve Lathrop, Chairperson

Nebraska Retirement Systems

Room 1507

Wednesday, March 27, 2019 12:00 p.m.

Presentation of the Nebraska Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to section 72-1243(2).

Presentation of the Nebraska Public Employees Retirement Systems Annual Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3).

(Signed) Mark Kolterman, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 11, 2019

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

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

Contingent upon your approval, the following individuals are being reappointed to the State College System Board of Trustees:

John Chaney, 405 South 16th Street, Omaha, NE 68102  
Robert Engles, 2308 McConnell Avenue, Auburn, NE 68305

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Niobrara Council  
Richard S. Mercure

Voting in the affirmative, 35:

- |          |           |            |             |                |
|----------|-----------|------------|-------------|----------------|
| Albrecht | Cavanaugh | Halloran   | Lathrop     | Murman         |
| Arch     | Chambers  | Hansen, B. | Linehan     | Pansing Brooks |
| Blood    | Clements  | Hilkemann  | Lowe        | Quick          |
| Bolz     | Crawford  | Howard     | McCollister | Slama          |
| Brandt   | Erdman    | Hughes     | McDonnell   | Stinner        |
| Brewer   | Friesen   | Hunt       | Morfeld     | Wayne          |
| Briese   | Geist     | Kolowski   | Moser       | Williams       |

Voting in the negative, 0.

Present and not voting, 11:

Bostelman	Gragert	Kolterman	Walz
DeBoer	Groene	La Grone	Wishart
Dorn	Hansen, M.	Scheer	

Excused and not voting, 3:

Hilgers          Lindstrom      Vargas

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 461:

Nebraska Commission on Problem Gambling  
Paul Leckband

Voting in the affirmative, 34:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	DeBoer	Hansen, M.	Linehan	Slama
Blood	Dorn	Hilkemann	McCollister	Stinner
Bolz	Erdman	Hughes	Moser	Walz
Brandt	Friesen	Hunt	Murman	Wayne
Briese	Geist	Kolowski	Pansing Brooks	Williams
Cavanaugh	Halloran	Kolterman	Quick	

Voting in the negative, 0.

Present and not voting, 12:

Bostelman	Crawford	Howard	McDonnell
Brewer	Gragert	La Grone	Morfeld
Chambers	Groene	Lowe	Wishart

Excused and not voting, 3:

Hilgers          Lindstrom      Vargas

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 4A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 430.** Placed on General File.

(Signed) Mike Groene, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Select File.

**LEGISLATIVE BILL 60.** Placed on Select File with amendment.  
ER22

1 1. On page 3, line 26, before "including" insert an underscored  
2 comma.

**LEGISLATIVE BILL 74.** Placed on Select File.

**LEGISLATIVE BILL 302.** Placed on Select File.

**LEGISLATIVE BILL 200.** Placed on Select File with amendment.  
ER20

1 1. On page 1, line 4, strike "alcoholism centers" and insert "mental  
2 health substance use treatment centers".

3 2. On page 3, line 4, strike "an" and insert "a".

**LEGISLATIVE BILL 307.** Placed on Select File.

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

**LEGISLATIVE BILL 111.** Placed on Select File.

**LEGISLATIVE BILL 192.** Placed on Select File.

**LEGISLATIVE BILL 192A.** Placed on Select File.

**LEGISLATIVE BILL 80.** Placed on Select File.

**LEGISLATIVE BILL 81.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Linehan filed the following amendment to LB288:  
AM268

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

2 sections:

3 Section 1. Section 77-2716.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 77-2716.01 (1)(a) Through tax year 2017, every individual shall be  
6 allowed to subtract from his or her income tax liability an amount for  
7 personal exemptions. The amount allowed to be subtracted shall be the  
8 credit amount for the year as provided in this subdivision multiplied by  
9 the number of exemptions allowed on the federal return. For tax year  
10 1993, the credit amount shall be sixty-five dollars; for tax year 1994,  
11 the credit amount shall be sixty-nine dollars; for tax year 1995, the  
12 credit amount shall be sixty-nine dollars; for tax year 1996, the credit  
13 amount shall be seventy-two dollars; for tax year 1997, the credit amount  
14 shall be eighty-six dollars; for tax year 1998, the credit amount shall  
15 be eighty-eight dollars; for tax year 1999, and each year thereafter  
16 through tax year 2017, the credit amount shall be adjusted for inflation  
17 by the method provided in section 151 of the Internal Revenue Code of  
18 1986, as it existed prior to December 22, 2017. The eighty-eight-dollar  
19 credit amount shall be adjusted for cumulative inflation since 1998. If  
20 any credit amount is not an even dollar amount, the amount shall be  
21 rounded to the nearest dollar. For nonresident individuals and partial-  
22 year resident individuals, the personal exemption credit shall be  
23 subtracted as specified in subsection (3) of section 77-2715.

24 (b) Beginning with tax year 2018, every individual, except an  
25 individual that can be claimed for a child credit or dependent credit on  
26 the federal return of another taxpayer, shall be allowed to subtract from  
27 his or her income tax liability an amount for personal exemptions. The  
1 amount allowed to be subtracted shall be the credit amount for the year  
2 as provided in this subdivision multiplied by the sum of the number of  
3 child credits and dependent credits taken on the federal return, plus two  
4 for a married filing jointly return or plus one for a single or head of  
5 household return. For tax year 2018, the credit amount shall be one  
6 hundred thirty-four dollars. For tax year 2019 and each tax year  
7 thereafter, the credit amount shall be adjusted for inflation based on  
8 the percentage change in the Consumer Price Index for All Urban Consumers  
9 published by the federal Bureau of Labor Statistics from the twelve  
10 months ending on August 31, 2017, to the twelve months ending on August  
11 31 of the year preceding the taxable year. If any credit amount is not an  
12 even dollar amount, the amount shall be rounded to the nearest dollar.  
13 For nonresident individuals and partial-year resident individuals, the  
14 personal exemption credit shall be subtracted as specified in subsection  
15 (3) of section 77-2715.

16 (2)(a) For tax years beginning or deemed to begin on or after  
17 January 1, 2003, and before January 1, 2004, under the Internal Revenue  
18 Code of 1986, as amended, every individual who did not itemize deductions  
19 on his or her federal return shall be allowed to subtract from federal  
20 adjusted gross income a standard deduction based on the filing status  
21 used on the federal return except as the amount is adjusted under section  
22 77-2716.03. The standard deduction shall be the smaller of the federal  
23 standard deduction actually allowed or (i) for single taxpayers four

24 thousand seven hundred fifty dollars, (ii) for head of household  
25 taxpayers seven thousand dollars, (iii) for married filing jointly  
26 taxpayers seven thousand nine hundred fifty dollars, and (iv) for married  
27 filing separately taxpayers three thousand nine hundred seventy-five  
28 dollars. Taxpayers who are allowed additional federal standard deduction  
29 amounts because of age or blindness shall be allowed an increase in the  
30 Nebraska standard deduction for each additional amount allowed on the  
31 federal return. The additional amounts shall be for married taxpayers,  
1 nine hundred fifty dollars, and for single or head of household  
2 taxpayers, one thousand one hundred fifty dollars.

3 (b) For tax years beginning or deemed to begin on or after January  
4 1, 2007, and before January 1, 2018, under the Internal Revenue Code of  
5 1986, as amended, every individual who did not itemize deductions on his  
6 or her federal return shall be allowed to subtract from federal adjusted  
7 gross income a standard deduction based on the filing status used on the  
8 federal return. The standard deduction shall be the smaller of the  
9 federal standard deduction actually allowed or (i) for single taxpayers  
10 three thousand dollars and (ii) for head of household taxpayers four  
11 thousand four hundred dollars. The standard deduction for married filing  
12 jointly taxpayers shall be double the standard deduction for single  
13 taxpayers, and for married filing separately taxpayers, the standard  
14 deduction shall be the same as single taxpayers. Taxpayers who are  
15 allowed additional federal standard deduction amounts because of age or  
16 blindness shall be allowed an increase in the Nebraska standard deduction  
17 for each additional amount allowed on the federal return. The additional  
18 amounts shall be for married taxpayers six hundred dollars and for single  
19 or head of household taxpayers seven hundred fifty dollars. The amounts  
20 in this subdivision will be indexed using 1987 as the base year.

21 (c) For tax years beginning or deemed to begin on or after January  
22 1, 2007, and before January 1, 2018, the standard deduction amounts,  
23 including the additional standard deduction amounts, in this subsection  
24 shall be adjusted for inflation by the method provided in section 151 of  
25 the Internal Revenue Code of 1986, as it existed prior to December 22,  
26 2017. If any amount is not a multiple of fifty dollars, the amount shall  
27 be rounded to the next lowest multiple of fifty dollars.

28 (3)(a) For tax years beginning or deemed to begin on or after  
29 January 1, 2018, every individual who did not itemize deductions on his  
30 or her federal return shall be allowed to subtract from federal adjusted  
31 gross income a standard deduction based on the filing status used on the  
1 federal return. The standard deduction shall be the smaller of the  
2 federal standard deduction actually allowed or (i) six thousand seven  
3 hundred fifty dollars for single taxpayers and (ii) nine thousand nine  
4 hundred dollars for head of household taxpayers. The standard deduction  
5 for married filing jointly taxpayers shall be double the standard  
6 deduction for single taxpayers, and the standard deduction for married  
7 filing separately taxpayers shall be the same as the standard deduction  
8 for single taxpayers. Taxpayers who are allowed additional federal  
9 standard deduction amounts because of age or blindness shall be allowed  
10 an increase in the Nebraska standard deduction for each additional amount

11 allowed on the federal return. The additional amounts shall be one  
12 thousand three hundred dollars for married taxpayers and one thousand six  
13 hundred dollars for single or head of household taxpayers.

14 (b) For tax years beginning or deemed to begin on or after January  
15 1, 2019, the standard deduction amounts, including the additional  
16 standard deduction amounts, in this subsection shall be adjusted for  
17 inflation based on the percentage change in the Consumer Price Index for  
18 All Urban Consumers published by the federal Bureau of Labor Statistics  
19 from the twelve months ending on August 31, 2017, to the twelve months  
20 ending on August 31 of the year preceding the taxable year. If any amount  
21 is not a multiple of fifty dollars, the amount shall be rounded to the  
22 next lowest multiple of fifty dollars.

23 (4)(a) For tax years beginning or deemed to begin before January 1,  
24 2019, every (4) Every individual who itemized deductions on his or her  
25 federal return shall be allowed to subtract from federal adjusted gross  
26 income the greater of either:

27 (i) The ~~the~~ standard deduction allowed in this section; or  
28 (ii) His ~~his~~ or her federal itemized deductions as defined in  
29 section 63(d) of the Internal Revenue Code of 1986, as amended, except  
30 for the amount for state or local income taxes included in federal  
31 itemized deductions before any federal disallowance.

1 (b) For tax years beginning or deemed to begin on or after January  
2 1, 2019, and before January 1, 2020, every individual who itemized  
3 deductions on his or her federal return shall be allowed to subtract from  
4 federal adjusted gross income the greater of either:

5 (i) The standard deduction allowed in this section; or

6 (ii) The sum of:

7 (A) His or her federal itemized deductions as defined in section  
8 63(d) of the Internal Revenue Code of 1986, as amended, except for the  
9 amount for state or local income taxes included in federal itemized  
10 deductions before any federal disallowance;

11 (B) The total amount of state and local property taxes reported on  
12 his or her federal return before any federal disallowance or cap, less  
13 the amount of state and local property taxes actually included in federal  
14 itemized deductions; and

15 (C) The total amount of state and local property taxes reported on  
16 his or her federal return for the immediately preceding tax year before  
17 any federal disallowance or cap, less the amount of state and local  
18 property taxes actually included in federal itemized deductions for such  
19 tax year.

20 (c) For tax years beginning or deemed to begin on or after January  
21 1, 2020, every individual who itemized deductions on his or her federal  
22 return shall be allowed to subtract from federal adjusted gross income  
23 the greater of either:

24 (i) The standard deduction allowed in this section; or

25 (ii) The sum of:

26 (A) His or her federal itemized deductions as defined in section  
27 63(d) of the Internal Revenue Code of 1986, as amended, except for the  
28 amount for state or local income taxes included in federal itemized

29 deductions before any federal disallowance; and  
 30 (B) The total amount of state and local property taxes reported on  
 31 his or her federal return before any federal disallowance or cap, less  
 1 the amount of state and local property taxes actually included in federal  
 2 itemized deductions.  
 3 Sec. 2. Original section 77-2716.01, Reissue Revised Statutes of  
 4 Nebraska, is repealed.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Wednesday, February 20, 2019 1:30 p.m.

Lana S. Arrowsmith - Niobrara Council  
LB368

(Signed) Dan Hughes, Chairperson

Revenue

Room 1524

Wednesday, February 20, 2019 1:30 p.m.

LB615  
LB661  
LB664  
AM268

Note: Amendment to LB288

Thursday, February 21, 2019 1:30 p.m.

LB444  
LB420  
LB530  
LB663  
LB483

Friday, February 22, 2019 1:30 p.m.

LB187  
LB242  
LB218  
LB236  
LB237

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 116.** Placed on General File with amendment.  
AM266

- 1 1. On page 2, line 22, after the comma insert "certificate of
- 2 mailing"; and strike beginning with "A" in line 22 through the period in
- 3 line 23.
- 4 2. On page 5, line 24, strike "An insurer" and insert "A producer".
- 5 3. On page 6, lines 1 and 4, before "property" insert "life
- 6 insurance policies, annuity contracts, and"; in line 11 strike "insurer"
- 7 and insert "producer"; and in line 17 after "insured" insert "and
- 8 producer of record".

**LEGISLATIVE BILL 145.** Placed on General File with amendment.  
AM282

- 1 1. Insert the following new section:
- 2 Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 30-4020 (1) Except as otherwise provided in subsection (2) of this
- 5 section:
- 6 (a) A person shall either accept an acknowledged power of attorney
- 7 or request a certification, a translation, or an opinion of counsel under
- 8 subsection (4) of section 30-4019 no later than seven business days after
- 9 presentation of the power of attorney for acceptance;
- 10 (b) If a person requests a certification, a translation, or an
- 11 opinion of counsel under subsection (4) of section 30-4019, the person
- 12 shall accept the power of attorney no later than five business days after
- 13 receipt of the certification, translation, or opinion of counsel; and
- 14 (c) A person may not require an additional or different form of
- 15 power of attorney for authority granted in the power of attorney
- 16 presented, except as provided in section 30-4031.
- 17 (2) A person is not required to accept an acknowledged power of
- 18 attorney if:
- 19 (a) The person is not otherwise required to engage in a transaction
- 20 with the principal in the same circumstances;
- 21 (b) Engaging in a transaction with the agent or the principal in the
- 22 same circumstances would be inconsistent with state or federal law;
- 23 (c) The person has actual knowledge of the termination of the
- 24 agent's authority or of the power of attorney before exercise of the
- 25 power;
- 26 (d) A request for a certification, a translation, or an opinion of
- 27 counsel under subsection (4) of section 30-4019 is refused;
- 1 (e) The person in good faith believes that the power is not valid or
- 2 that the agent does not have the authority to perform the act requested,
- 3 whether or not a certification, a translation, or an opinion of counsel
- 4 under subsection (4) of section 30-4019 has been requested or provided;
- 5 (f) The person makes, or has actual knowledge that another person

6 has made, a report to the local adult protective services office stating  
 7 a good faith belief that the principal may be subject to physical or  
 8 financial abuse, neglect, exploitation, or abandonment by the agent or a  
 9 person acting for or with the agent;

10 (g) The person brought, or has actual knowledge that another person  
 11 has brought, a judicial proceeding for construction of a power of  
 12 attorney or review of the agent's conduct; or

13 (h) The power of attorney becomes effective upon the occurrence of  
 14 an event or contingency, and neither a certification nor evidence of the  
 15 occurrence of the event or contingency is presented to the person being  
 16 asked to accept the power of attorney.

17 (3) A person may not refuse to accept an acknowledged power of  
 18 attorney if any of the following applies:

19 (a) The person's reason for refusal is based exclusively upon the  
 20 date the power of attorney was executed; or

21 (b) The person's refusal is based exclusively on a mandate that an  
 22 additional or different power of attorney form must be used.

23 (4) A person that refuses in violation of this section to accept an  
 24 acknowledged power of attorney is subject to:

25 (a) A court order mandating acceptance of the power of attorney; and

26 (b) Liability for reasonable attorney's fees and costs incurred in  
 27 any action or proceeding that confirms the validity of the power of  
 28 attorney or mandates acceptance of the power of attorney.

29 2. On page 3, line 18, strike "section" and insert "sections 30-4020  
 30 and"; and in line 19 strike "is" and insert "are".

31 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 384.** Placed on General File with amendment.  
 AM272

1 1. On page 2, line 14, strike "five" and reinstate the stricken  
 2 "two"; and in line 24 strike "five" and insert "two".

3 2. On page 3, line 7, strike "(3)(a)(ii)" and insert "(3)(b)(ii)".

(Signed) Matt Williams, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 160.** Title read. Considered.

#### **SPEAKER SCHEER PRESIDING**

#### **SENATOR WILLIAMS PRESIDING**

Senator Wayne offered the following amendment:

FA6

On page 3, line 12 strike "of known quality".

On page 3, strike lines 16-18.

On page 4, line 10 strike "quality".

On page 4, line 10 strike "For purposes of this".

On page 4, strike lines 11-13.

The Wayne amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 399.** Placed on General File with amendment.  
AM286

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

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-724 It is the responsibility of society to ensure that youth are  
6 given the opportunity to become competent, responsible, patriotic, and  
7 civil citizens to ensure An informed, loyal, just, and patriotic  
8 citizenry is necessary to a strong, stable, just, and prosperous America.  
9 Such a citizenry necessitates that every member thereof be fully literate  
10 about our acquainted with the nation's history, government, geography,  
11 and economic system. The youth in our state should be committed to the  
12 ideals and values of our country's democracy and the constitutional  
13 republic established by the people. Schools should help prepare our youth  
14 to make informed and reasoned decisions for the public good. Civic  
15 competence is necessary to sustain and improve our democratic way of life  
16 and must be taught in all public, private, denominational, and parochial  
17 schools. A central role of schools is to impart civic knowledge and  
18 skills that help our youth to see the relevance of a civic dimension for  
19 their lives. Students should be made and that he or she be in full accord  
20 with our form of government and fully aware of the liberties,  
21 opportunities, and advantages we possess of which we are possessed and  
22 the sacrifices and struggles of those through whose efforts these  
23 benefits were gained. Since youth is the time people are most susceptible  
24 to the acceptance of principles and doctrines that will influence them  
25 men and women throughout their lives, it is one of the first duties of  
26 our educational system to conduct its activities, choose its textbooks,  
27 and arrange its curriculum in such a way that the youth of our state have  
1 the opportunity to become competent, responsible, patriotic, and civil  
2 American citizens love of liberty, justice, democracy, and America will  
3 be instilled in the hearts and minds of the youth of the state.

4 (1) The Every school board of each school district shall, at the  
5 beginning of each calendar school year, appoint from its members a  
6 committee of three, to be known as the committee on American civics  
7 Americanism. The committee on American civics Americanism shall:  
8 (a) Hold no fewer than two public meetings annually, at least one  
9 where public testimony is accepted;  
10 (b) Keep minutes of each meeting showing the time and place of the

11 meeting, which members were present or absent, and the substance and  
12 details of all matters discussed;  
13 (c) Carefully examine and ensure that the social studies curriculum  
14 used in the district is aligned to the social studies standards adopted  
15 pursuant to section 79-760.01 and teaches foundational knowledge in  
16 civics, history, economics, financial literacy, and geography;  
17 (d) Review and approve the social studies curriculum to ensure that  
18 it adequately stresses ~~(a) Carefully examine, inspect, and approve all~~  
19 ~~textbooks used in the teaching of American history and civil government~~  
20 ~~in the school. Such textbooks shall adequately stress the services of the~~  
21 ~~men and women who achieved our national independence, established our~~  
22 ~~constitutional government, and preserved our union and is shall be so~~  
23 ~~written to include the incorporation of multicultural education as set~~  
24 ~~forth in sections 79-719 to 79-723 so contributions by ethnic groups as~~  
25 ~~to develop a pride and respect for our institutions and not be a mere~~  
26 ~~recital of events and dates;~~  
27 (e) Ensure that any curriculum recommended or approved by the  
28 committee on American civics is made readily accessible to the public and  
29 contains a reference to this section;  
30 (f) Ensure that the district develops and utilizes formative,  
31 interim, and summative assessments to measure student mastery of the  
1 social studies standards adopted pursuant to section 79-760.01;  
2 (g) Ensure that the social studies curriculum in the district  
3 incorporates one or more of the following for each student:  
4 (i) Administration of a written test that is identical to the entire  
5 civics portion of the naturalization test used by United States  
6 Citizenship and Immigration Services prior to the completion of eighth  
7 grade and again prior to the completion of twelfth grade with the  
8 individual score from each test for each student made available to a  
9 parent or guardian of such student; or  
10 (ii) Attendance or participation between the commencement of eighth  
11 grade and completion of twelfth grade in a meeting of a public body as  
12 defined by section 84-1409 followed by the completion of a project or  
13 paper in which each student demonstrates or discusses the personal  
14 learning experience of such student related to such attendance or  
15 participation; or  
16 (iii) Completion of a project or paper and a class presentation  
17 between the commencement of eighth grade and the completion of twelfth  
18 grade on a person or persons or an event commemorated by a holiday listed  
19 in subdivision (6) of this section or on a topic related to such person  
20 or persons or event;  
21 (h) ~~(b)~~ Assure themselves as to the character of all teachers  
22 employed and their knowledge and acceptance of the American form of  
23 government; and  
24 (i) ~~(e)~~ Take all such other steps as will assure the carrying out of  
25 the provisions of this section and provide a report to the school board  
26 regarding the committee's findings and recommendations.  
27 (2) All social studies ~~American history~~ courses approved for grade  
28 levels as provided by this section shall include and adequately stress

29 contributions of all ethnic groups (a) to the development and growth of  
 30 America into a great nation, (b) to art, music, education, medicine,  
 31 literature, science, politics, and government, and (c) to the war  
 1 services in all wars of this nation.

2 (3) All grades of all public, private, denominational, and parochial  
 3 schools, below the sixth grade, shall devote at least one hour per week  
 4 to exercises or teaching periods for the following purpose:

5 (a) The discussion ~~recital~~ of stories having to do with American  
 6 history or the deeds and exploits of American heroes;

7 (b) The historical background, memorization, and singing of  
 8 patriotic songs such as ~~and the insistence that every pupil memorize the~~  
 9 Star-Spangled Banner and America the Beautiful; ~~and~~

10 (c) The development of respect ~~reverence~~ for the American flag as a  
 11 symbol of freedom and the sacrifices of those who secured that freedom;  
 12 and

13 (d) Instruction ~~instruction~~ as to proper conduct in the ~~its~~  
 14 presentation of the American flag.

15 (4) In at least two of the three grades from the fifth grade to the  
 16 eighth grade in all public, private, denominational, and parochial  
 17 schools, time at least three periods per week shall be set aside for ~~to~~  
 18 be devoted to the teaching of American history from the social studies  
 19 curriculum approved textbooks, which shall be taught in such a way that  
 20 all students are given the opportunity to (a) become competent,  
 21 responsible, patriotic, and civil citizens who possess a deep  
 22 understanding of and respect for the United States Constitution and the  
 23 Constitution of Nebraska and (b) prepare to preserve, protect, and defend  
 24 freedom and democracy in our nation and our world as to make the course  
 25 interesting and attractive and to develop a love of country.

26 (5) In at least two courses in grades of every high school, time at  
 27 least three periods per week shall be devoted to the teaching of civics  
 28 and American history as outlined in the social studies standards adopted  
 29 pursuant to section 79-760.01, during which courses specific attention  
 30 shall be given to the following matters:

31 (a) The Declaration of Independence, the United States Constitution,  
 1 and the Constitution of Nebraska, and the structure and function of local  
 2 government in this state;

3 (b) The benefits and advantages of our form of government, and the  
 4 rights and responsibilities of citizenship in our government, and the  
 5 dangers and fallacies of forms of government that restrict individual  
 6 freedoms or possess antidemocratic ideals such as, but not limited to,  
 7 Nazism and communism; dangers and fallacies of Nazism, Communism, and  
 8 similar ideologies; and

9 (c) The duties of citizenship, including active participation in the  
 10 improvement of a citizen's community, state, country, and world and the  
 11 value and practice of civil discourse between opposing interests; and -

12 (d) The application of knowledge in civics, history, economics,  
 13 financial literacy, and geography in order to address meaningful issues  
 14 within our society.

15 (6) Appropriate patriotic exercises suitable to the occasion shall

16 be held under the direction of the superintendent in every public,  
 17 private, denominational, and parochial school on George Washington's  
 18 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
 19 birthday, Native American Heritage Day, Constitution Day, Memorial Day,  
 20 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's  
 21 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans  
 22 Day, or on the day preceding or following such holiday, if the school is  
 23 in session.

24 (7) Every school board, the State Board of Education, and the  
 25 superintendent of each school district in the state shall be held  
 26 directly responsible in the order named for carrying out this section,  
 27 and neglect thereof by any employee or appointed official shall be  
 28 considered a dereliction of duty and may be considered a cause for  
 29 dismissal.

30 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is  
 31 amended to read:

1 79-727 The State Board of Education shall adopt and promulgate  
 2 rules and regulations to carry out the provisions of sections 79-724  
 3 through 79-726. The State Department of Education shall ensure that all  
 4 requirements of such sections and such rules and regulations are carried  
 5 out by each school district ~~Any person violating the provisions of~~  
 6 ~~sections 79-724 to 79-726 is guilty of a Class III misdemeanor.~~

7 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised  
 8 Statutes of Nebraska, are repealed.

(Signed) Mike Groene, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 195.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 124.** Title read. Considered.

Committee AM199, found on page 464, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 127.** Title read. Considered.

Committee AM184, found on page 465, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 139.** Title read. Considered.

Committee AM170, found on page 467, was offered.

Senator Lathrop offered his amendment, AM260, found on page 494, to the committee amendment.

The Lathrop amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

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

Enrollment and Review

**LEGISLATIVE BILL 214.** Placed on Select File.

**LEGISLATIVE BILL 52.** Placed on Select File with amendment.

ER21

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Public funds means money belonging to the state by operation of
- 5 general state law and collected by virtue of state-imposed taxes, fees,
- 6 and similar charges;
- 7 (b) Special purpose funds means money in the state treasury which is
- 8 received from an outside source, which is held in trust or escrow or
- 9 segregated for a particular purpose, and which must be used for purposes
- 10 defined by the source of the funds; and
- 11 (c) Trust funds means all trust funds identified by Nebraska
- 12 statutes, all funds pledged for the payment of bonds, all accounts held
- 13 by a trustee related to a bond issue, and all funds held related to a
- 14 lease financing or other similar financing.
- 15 (2) The State Treasurer shall have custody in the state treasury of
- 16 all public funds and all special purpose funds, other than pension and
- 17 trust funds, of all state officials, state agencies, state boards, state
- 18 commissions, and other state entities. Each state official, agency,
- 19 board, commission, or other entity shall remit all public funds and all
- 20 special purpose funds, other than pension and trust funds, to the State
- 21 Treasurer for credit to the appropriate fund as provided in section
- 22 84-602.
- 23 (3) Each state official, agency, board, commission, or other entity
- 24 shall record all revenue, fund balances, and expenditures from all public
- 25 funds and all special purpose funds, other than pension and trust funds,

26 in the state accounting system administered by the accounting division of  
27 the Department of Administrative Services pursuant to section 81-1110.01.

1 (4) As provided in section 72-1243, the state investment officer  
2 shall invest all funds available for investment pursuant to the Nebraska  
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 (5) The accounting division shall notify the budget division of the  
5 Department of Administrative Services if any state official, agency,  
6 board, commission, or other entity has failed to comply with this  
7 section. The budget division shall withhold up to ten percent of any  
8 appropriation to such state official, agency, board, commission, or other  
9 entity until it complies with this section.

10 Sec. 2. Section 85-1807, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 85-1807 (1) The State Treasurer shall deposit money received by the  
13 Nebraska educational savings plan trust into three funds: The College  
14 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the  
15 College Savings Plan Administrative Fund. The State Treasurer shall  
16 deposit money received by the trust into the appropriate fund. The State  
17 Treasurer and Accounting Administrator of the Department of  
18 Administrative Services shall determine the state fund types necessary to  
19 comply with section 529 of the Internal Revenue Code and state policy.  
20 The money in the funds shall be invested by the state investment officer  
21 pursuant to policies established by the Nebraska Investment Council. The  
22 program fund, the expense fund, and the administrative fund shall be  
23 separately administered. The Nebraska educational savings plan trust  
24 shall be operated with no General Fund appropriations.

25 (2) The College Savings Plan Program Fund is created. All money paid  
26 by participants in connection with participation agreements and all  
27 investment income earned on such money shall be deposited as received  
28 into separate accounts within the program fund. Contributions to the  
29 trust made by participants may only be made in the form of cash. All  
30 funds generated in connection with participation agreements shall be  
31 deposited into the appropriate accounts within the program fund. A  
1 participant or beneficiary shall not provide investment direction  
2 regarding program contributions or earnings held by the trust. Money  
3 accrued by participants in the program fund may be used for payments to  
4 any eligible educational institution. Any money in the program fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act.

8 (3) The College Savings Plan Administrative Fund is created. Money  
9 from the trust transferred from the expense fund to the administrative  
10 fund in an amount authorized by an appropriation from the Legislature  
11 shall be utilized to pay for the costs of administering, operating, and  
12 maintaining the trust, to the extent permitted by section 529 of the  
13 Internal Revenue Code. The administrative fund shall not be credited with  
14 any money other than money transferred from the expense fund in an amount  
15 authorized by an appropriation by the Legislature or any interest income  
16 earned on the balances held in the administrative fund. Any money in the

17 administrative fund available for investment shall be invested by the  
 18 state investment officer pursuant to the Nebraska Capital Expansion Act  
 19 and the Nebraska State Funds Investment Act.

20 (4) The College Savings Plan Expense Fund is created. The expense  
 21 fund shall be used to pay costs associated with the Nebraska educational  
 22 savings plan trust and shall be funded with fees assessed to the program  
 23 fund. The State Treasurer shall transfer from the expense fund to the  
 24 State Investment Officer's Cash Fund an amount equal to the pro rata  
 25 share of the budget appropriated to the Nebraska Investment Council as  
 26 permitted in section 72-1249.02, to cover reasonable expenses incurred  
 27 for investment management of the Nebraska educational savings plan trust.  
 28 Annually and prior to such transfer to the State Investment Officer's  
 29 Cash Fund, the State Treasurer shall report to the budget division of the  
 30 Department of Administrative Services and to the Legislative Fiscal  
 31 Analyst the amounts transferred during the previous fiscal year. The  
 1 report submitted to the Legislative Fiscal Analyst shall be submitted  
 2 electronically. ~~Transfers may be made from the expense fund to the~~  
 3 ~~General Fund at the direction of the Legislature.~~ Any money in the  
 4 expense fund available for investment shall be invested by the state  
 5 investment officer pursuant to the Nebraska Capital Expansion Act and the  
 6 Nebraska State Funds Investment Act.

7 Sec. 3. Section 85-1813, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 85-1813 The assets of the Nebraska educational savings plan trust,  
 10 including the program fund and excluding the administrative fund and the  
 11 expense fund, shall at all times be preserved, invested, and expended  
 12 solely and only for the purposes of the trust and shall be held in trust  
 13 for the participants and beneficiaries. No property rights in the trust  
 14 shall exist in favor of the state. ~~Assets~~ ~~Such assets~~ of the trust,  
 15 including the program fund, the administrative fund, and the expense  
 16 fund, shall not be transferred or used by the state for any purposes  
 17 other than the purposes of the trust.

18 Sec. 4. Original sections 85-1807 and 85-1813, Reissue Revised  
 19 Statutes of Nebraska, are repealed.

20 2. On page 1, line 1, after the first semicolon insert "to amend  
 21 sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska;"; in  
 22 line 3 strike the second "and"; and in line 4 after "enforcement" insert  
 23 "; to change and eliminate provisions relating to the transfer and use of  
 24 funds under the Nebraska educational savings plan trust; and to repeal  
 25 the original sections".

**LEGISLATIVE BILL 152.** Placed on Select File.

**LEGISLATIVE BILL 186.** Placed on Select File with amendment.

ER23

1 1. On page 1, line 1, strike "notaries public" and insert  
 2 "documents"; in line 2 strike "and 64-205" and insert "64-205, and  
 3 86-611"; and in line 6 after the first semicolon insert "to provide  
 4 duties relating to real estate documents;".

5 2. On page 17, line 10, strike "and 64-205" and insert "64-205, and  
6 86-611".

**LEGISLATIVE BILL 186A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 319.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present  
and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 699.** Title read. Considered.

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

**LEGISLATIVE BILL 8.** Title read. Considered.

Committee AM33, found on page 484, was adopted with 34 ayes, 0 nays, 10  
present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present  
and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 156.** Title read. Considered.

Committee AM19, found on page 484, was adopted with 36 ayes, 0 nays, 6  
present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present  
and not voting, and 6 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 301.** Senator Lathrop asked unanimous consent to  
withdraw his amendment, AM257, found on page 494, and replace it with  
his substitute amendment, AM299. No objections. So ordered.

AM299

1 1. On page 19, line 31, strike "an amount", show as stricken, and  
2 insert "amounts" and strike "amount per occurrence as", show as stricken,  
3 and insert "amounts".

4 2. On page 20, line 1, strike "amount", show as stricken, and insert  
5 "amounts"; in line 3 strike "amount", show as stricken, and insert  
6 "amounts"; and in line 4 strike "greater", show as stricken, and insert  
7 "less" and after "occurrence" insert "and three million dollars  
8 aggregate".

The Lathrop amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Lowe offered the following amendment:

AM165

- 1 1. Insert the following new section:
- 2 Sec. 80. Any appropriation and salary limit provided in any
- 3 legislative bill enacted by the One Hundred Sixth Legislature, First
- 4 Session, to Agency No. 23 — Department of Labor, in any of the following
- 5 program classifications, shall be null and void, and any such amounts are
- 6 hereby appropriated to Agency No. 21, State Fire Marshal, Program 230 —
- 7 Safety Inspection Program; Program No. 194, Division for Protection of
- 8 People and Property, Subprogram 009 — Conveyance; and Program No. 194,
- 9 Division for Protection of People and Property, Subprogram 010 — Boiler
- 10 Inspection. Any financial obligations of the Department of Labor that
- 11 remain unpaid as of June 30, 2019, and that are subsequently certified as
- 12 valid encumbrances to the accounting division of the Department of
- 13 Administrative Services pursuant to sections 81-138.01 to 81-138.04,
- 14 shall be paid by the State Fire Marshal, Program 230 — Safety Inspection
- 15 Program from the unexpended balance of appropriations existing in such
- 16 program classifications on June 30, 2019.
- 17 2. On page 47, line 27, strike "80" and insert "81".
- 18 3. Renumber the remaining sections accordingly.

The Lowe amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 306.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 122.** ER15, found on page 468, was adopted.

Senator Crawford offered her amendment, AM247, found on page 487.

The Crawford amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 1CA.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 71.** Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 1524

Tuesday, February 26, 2019 1:30 p.m.

LB201

LB229

LB157

LB382

(Signed) Steve Halloran, Chairperson

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 660.** Placed on General File.

(Signed) Steve Halloran, Chairperson

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

Senator La Grone filed the following amendment to LB294:

AM308

- 1 1. Strike original section 3.
- 2 2. Renumber the remaining sections accordingly.

Senator La Grone filed the following amendment to LB294:

AM309

- 1 1. Strike original section 4.
- 2 2. Renumber the remaining sections accordingly.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 25A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.

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

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

Senator Blood name added to LB160.

Senator Hunt name added to LB230.

**VISITOR(S)**

Visitors to the Chamber were Judy Garlock and Tex Richters from Lincoln; former Senator Paul Hartnett from Bellevue, Joan Hartnett from Kansas City, and Debbie Burchard from Bellevue; Lillian Butler-Hale; students from Syracuse-Dunbar-Avoca High School; Aaron Nygren from Wahoo, Melissa Bartels from Lincoln, and Sandy Archuleta from Brainard; members of the Nebraska Association of County Extension Boards from across the state; and students, teachers, and sponsors from the Family and Consumer Sciences of Nebraska Legislative Workshop.

The Doctor of the Day was Dr. John R. Jacobsen from Kearney.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SIXTH DAY - FEBRUARY 14, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 14, 2019

**PRAYER**

The prayer was offered by Senator Crawford.

**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 Lindstrom, Vargas, and Wishart who were excused; and Senators Friesen, Groene, La Grone, McCollister, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 517, line 9, strike "John" and insert "Joan".  
The Journal for the twenty-fifth day was approved as corrected.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 486.** Placed on General File.

(Signed) Mike Groene, Chairperson

Business and Labor

**LEGISLATIVE BILL 254.** Placed on General File.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Friday, February 22, 2019 1:30 p.m.

Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

Education

Room 1525

Tuesday, February 26, 2019 1:30 p.m.

LB675

LB346

LB165

(Signed) Mike Groene, Chairperson

**ANNOUNCEMENT(S)**

The Economic Development Task Force elected Senator Bolz as Chairperson and Senator Arch as Vice Chairperson.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 13, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Dozier, James

The National Council for Behavioral Health

Glunz, William

American Airlines

Husch Blackwell Strategies

Turo

Jarecke, Kate Kulesher

Sandoz

Keigher &amp; Associates, LLC

Nebraska Machinery Company

Kelley Plucker, LLC

Coalition of Ignition Interlock Manufacturers

Martin, Stephen  
We Support Agriculture  
Nebraska Strategies  
Tical, LLC  
Nowka & Edwards  
Intoximeters, Inc.  
Winners Marketing, Inc.  
Peetz & Company  
Omaha Steaks  
Radcliffe, Walter H. of Radcliffe and Associates  
American Amusements Co.  
Trocinski, Carol A.  
United Healthcare Services, Inc.  
Weathers, Scott  
The Good Food Institute, Inc.

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### GENERAL FILE

**LEGISLATIVE BILL 224.** Title read. Considered.

Senator Hunt offered the following amendment:

FA7

Page 5, line 25 strike "creed" insert "religion".

Page 5, line 26 after "gender" insert "sexual orientation".

Senator Hunt withdrew her amendment.

Senator Howard offered the following amendment:

FA8

On page 5, line 25, insert a period after the word "discrimination" and strike the remaining language on lines 25 and 26.

The Howard amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Albrecht	Chambers	Hansen, B.	Linehan	Scheer
Arch	Crawford	Hansen, M.	McCollister	Slama
Blood	DeBoer	Hilgers	McDonnell	Stinner
Bolz	Dorn	Hilkemann	Morfeld	Walz
Bostelman	Geist	Howard	Moser	Williams
Brandt	Gragert	Hunt	Murman	
Briese	Groene	Kolowski	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Brewer	Erdman	La Grone
Clements	Hughes	Lowe

Excused and not voting, 6:

Friesen	Lindstrom	Wayne
Kolterman	Vargas	Wishart

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

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

#### Natural Resources

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

Bradley B. Bird - Nebraska Ethanol Board

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

John Heaston - Nebraska Natural Resources Commission  
Walter Dennis Strauch - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 361.** Placed on General File with amendment.  
AM289

- 1 1. On page 2, strike lines 2 and 3 and insert "an employee because
- 2 the employee:".
- 3 2. On page 4, strike line 13 and insert "employee because the
- 4 employee:".

(Signed) Matt Hansen, Chairperson

Natural Resources

**LEGISLATIVE BILL 48.** Placed on General File.

**LEGISLATIVE BILL 155.** Placed on General File.

(Signed) Dan Hughes, Chairperson

Health and Human Services

**LEGISLATIVE BILL 112.** Placed on General File.

**LEGISLATIVE BILL 29.** Placed on General File with amendment.  
AM86

- 1 1. On page 3, strike beginning with "the" in line 28 through the
- 2 first comma in line 29.
- 3 2. On page 4, line 4, after the comma insert "the Veterinary
- 4 Medicine and Surgery Practice Act".

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 16.** Title read. Considered.

**SENATOR WILLIAMS PRESIDING**

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

**LEGISLATIVE BILL 430.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 146.** Senator M. Hansen offered the following amendment:

AM279

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 30-4020 (1) Except as otherwise provided in subsection (2) of this  
5 section:

6 (a) A person shall either accept an acknowledged power of attorney  
7 or request a certification, a translation, or an opinion of counsel under  
8 subsection (4) of section 30-4019 no later than seven business days after  
9 presentation of the power of attorney for acceptance;

10 (b) If a person requests a certification, a translation, or an  
11 opinion of counsel under subsection (4) of section 30-4019, the person  
12 shall accept the power of attorney no later than five business days after  
13 receipt of the certification, translation, or opinion of counsel; and

14 (c) A person may not require an additional or different form of  
15 power of attorney for authority granted in the power of attorney  
16 presented.

17 (2) A person is not required to accept an acknowledged power of  
18 attorney if:

19 (a) The person is not otherwise required to engage in a transaction  
20 with the principal in the same circumstances;

21 (b) Engaging in a transaction with the agent or the principal in the  
22 same circumstances would be inconsistent with state or federal law;

23 (c) The person has actual knowledge of the termination of the  
24 agent's authority or of the power of attorney before exercise of the  
25 power;

26 (d) A request for a certification, a translation, or an opinion of  
27 counsel under subsection (4) of section 30-4019 is refused;

1 (e) The person in good faith believes that the power is not valid or  
2 that the agent does not have the authority to perform the act requested,  
3 whether or not a certification, a translation, or an opinion of counsel  
4 under subsection (4) of section 30-4019 has been requested or provided;

5 (f) The person makes, or has actual knowledge that another person  
6 has made, a report to the local adult protective services office stating  
7 a good faith belief that the principal may be subject to physical or  
8 financial abuse, neglect, exploitation, or abandonment by the agent or a  
9 person acting for or with the agent;

10 (g) The person brought, or has actual knowledge that another person  
11 has brought, a judicial proceeding for construction of a power of  
12 attorney or review of the agent's conduct; or

13 (h) The power of attorney becomes effective upon the occurrence of  
14 an event or contingency, and neither a certification nor evidence of the  
15 occurrence of the event or contingency is presented to the person being  
16 asked to accept the power of attorney.

17 (3) A person may not refuse to accept an acknowledged power of

18 attorney if any of the following applies:

19 (a) The person's reason for refusal is based exclusively upon the  
20 date the power of attorney was executed; or

21 (b) The person's refusal is based exclusively on a mandate that an  
22 additional or different power of attorney form must be used.

23 ~~(4)(a) (4) A person may bring an action or proceeding to mandate the~~  
24 ~~acceptance of that refuses in violation of this section to accept an~~  
25 ~~acknowledged power of attorney.~~

26 (b) In any action or proceeding to mandate the acceptance of an  
27 acknowledged power of attorney or confirm the validity of an acknowledged  
28 power of attorney, a person found liable for refusing to accept such  
29 power of attorney is subject to:

30 (i) Liability to the principal and to the principal's heirs,  
31 assigns, and personal representative of the estate of the principal in  
1 the same manner as the person would be liable had the person refused to  
2 accept the authority of the principal to act on the principal's own  
3 behalf;

4 (ii) ~~(a)~~ A court order mandating acceptance of the power of  
5 attorney; and

6 (iii) ~~(b)~~ Liability for reasonable attorney's fees and costs  
7 incurred in such any action or proceeding that confirms the validity of  
8 the power of attorney or mandates acceptance of the power of attorney.

9 (c) In any action or proceeding in which a person's refusal to  
10 accept an acknowledged power of attorney in violation of this section  
11 prevents an agent from completing a transaction requested by the agent  
12 with respect to a security account as defined in section 30-2734, owned  
13 by the principal, such person, in addition to being subject to the  
14 provisions of subdivision (4)(b) of this section, is subject to:

15 (i) Economic damages of the principal proximately caused by the  
16 person's refusal to accept the acknowledged power of attorney and failure  
17 to comply with the instructions of the agent designated in such power of  
18 attorney with respect to such security account; and

19 (ii) Reasonable attorney's fees and costs incurred to seek damages  
20 resulting from such person's refusal to accept the acknowledged power of  
21 attorney and failure to comply with the instructions of such agent  
22 designated in the power of attorney with respect to the security account.

The M. Hansen amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment

**LEGISLATIVE BILL 154.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 264.** ER16, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 7.** ER17, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 55.** ER19, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**  
Natural Resources

Room 1525

Thursday, February 21, 2019 1:30 p.m.

Dallas D. Dodson - Niobrara Council

Jason D. Appelt - Niobrara Council

LB46

(Signed) Dan Hughes, Chairperson

Appropriations

Room 1003

Tuesday, February 26, 2019 1:30 p.m.

LB293

LB294

LB295

LB296

LB297

LB298

LB299

(Signed) John Stinner, Chairperson

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

Senator Halloran filed the following amendment to LB693:

AM305

1 1. Strike original section 1 and insert the following new section:

2 Section 1. (1) This section shall be known and may be cited as the

3 Neighbor Spoofing Protection Act.

4 (2) No person shall, in connection with any telecommunications

5 service or IP-enabled voice service, cause any caller identification

6 service to knowingly transmit misleading or inaccurate caller

7 identification information with the intent to defraud, cause harm, or  
8 wrongfully obtain anything of value.  
9 (3) Nothing in this section shall be construed to prevent or  
10 restrict any person from blocking the capability of any caller  
11 identification service to transmit caller identification information.  
12 (4) This section shall not apply:  
13 (a) To any authorized activity of a law enforcement agency; or  
14 (b) When a court order specifically authorizes the use of caller  
15 identification manipulation.  
16 (5) Except as provided in this section, local exchange carriers and  
17 telecommunications carriers shall not be responsible for enforcement of  
18 this section.  
19 (6)(a) Notwithstanding section 75-156, the Public Service Commission  
20 may, after hearing, impose an administrative penalty for a violation of  
21 this section. The penalty for a violation shall not exceed two thousand  
22 dollars. Every violation associated with a specific telephone number  
23 within the state shall be considered a separate and distinct violation.  
24 (b) The amount of an administrative penalty shall be based on:  
25 (i) The nature, circumstances, extent, and gravity of a prohibited  
26 act;  
27 (ii) The history of previous violations;  
1 (iii) The amount necessary to deter future violations; and  
2 (iv) Any efforts to correct the violation.  
3 (c) The commission shall remit any administrative penalty collected  
4 under this section to the State Treasurer for distribution in accordance  
5 with Article VII, section 5, of the Constitution of Nebraska.  
6 (d) Any administrative penalty may be appealed. The appeal shall be  
7 in accordance with section 75-136.  
8 (7) Notwithstanding subsection (6) of this section, a violation of  
9 this section shall be considered a violation of section 59-1602 and be  
10 subject to the Consumer Protection Act and any other law which provides  
11 for the implementation and enforcement of section 59-1602. A violation of  
12 this section does not give rise to a private cause of action.

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

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

Senator Geist name added to LB445.  
Senator Hunt name added to LB657.  
Senator Bostelman name added to LR1CA.  
Senator Geist name added to LR1CA.

#### **VISITOR(S)**

Visitors to the Chamber were Alora Nowlin from Council Bluffs; members of E.S.U. 10 from Kearney; Fulbright Scholars from Argentina; students and teacher from the High Ability Learning Program at Papillion Middle School,

La Vista Middle School, and Liberty Middle School; members of the Nebraska League of Women Voters from Omaha, Lincoln, and Plattsmouth; and students from St. Barnabas Classical Academy, Omaha.

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

#### **ADJOURNMENT**

At 11:18 a.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SEVENTH DAY - FEBRUARY 19, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 19, 2019

**PRAYER**

The prayer was offered by Pastor Lori Robinson, Faith Presbyterian Church, La Vista.

**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 Cavanaugh, Linehan, McCollister, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

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

Senator Gragert filed the following amendment to LB406:  
AM315

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 20, 21, 22, 23, and 24 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 20, 21, 22, 23, and 24.

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 522:

Nebraska Ethanol Board  
Bradley B. Bird

Voting in the affirmative, 37:

Albrecht	DeBoer	Hansen, B.	Lathrop	Stinner
Arch	Dorn	Hansen, M.	Lindstrom	Walz
Bolz	Erdman	Hilgers	Lowe	Wayne
Bostelman	Friesen	Howard	McDonnell	Williams
Brandt	Geist	Hughes	Moser	Wishart
Brewer	Gragert	Hunt	Murman	
Clements	Groene	Kolowski	Quick	
Crawford	Halloran	Kolterman	Slama	

Voting in the negative, 0.

Present and not voting, 6:

Blood	Chambers	La Grone
Briese	Hilkemann	Scheer

Excused and not voting, 6:

Cavanaugh	McCollister	Pansing Brooks
Linehan	Morfeld	Vargas

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 522:

Nebraska Natural Resources Commission  
John Heaston  
Walter Dennis Strauch

Voting in the affirmative, 38:

Albrecht	DeBoer	Hansen, B.	Lindstrom	Slama
Arch	Dorn	Hilgers	Lowe	Stinner
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Moser	Wayne
Brandt	Geist	Hunt	Murman	Williams
Brewer	Gragert	Kolterman	Pansing Brooks	Wishart
Clements	Groene	La Grone	Quick	
Crawford	Halloran	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Blood	Chambers	Hilkemann
Briese	Hansen, M.	Kolowski

Excused and not voting, 5:

Cavanaugh	Linehan	McCollister	Morfeld	Vargas
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The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 116.** Title read. Considered.

Committee AM266, found on page 505, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

#### **UNANIMOUS CONSENT - Expedite LB430**

Senator Scheer asked unanimous consent to expedite LB430. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 145.** Title read. Considered.

Committee AM282, found on page 505, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 384.** Title read. Considered.

Committee AM272, found on page 506, was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 11.** Placed on Final Reading.

**LEGISLATIVE BILL 32.** Placed on Final Reading.

**LEGISLATIVE BILL 42.** Placed on Final Reading.

ST5

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 6, "executive board" was struck and "association" was inserted.

**LEGISLATIVE BILL 56.** Placed on Final Reading.

**LEGISLATIVE BILL 57.** Placed on Final Reading.

**LEGISLATIVE BILL 61.** Placed on Final Reading.

**LEGISLATIVE BILL 63.** Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "35-1207," has been inserted after the last comma; and in line 4 "and" has been struck and a comma inserted and ", and filings with the State Treasurer" has been inserted after "levies".

2. On page 14, line 14, "35-1207," has been inserted after the last comma.

**LEGISLATIVE BILL 65.** Placed on Final Reading.

**LEGISLATIVE BILL 70.** Placed on Final Reading.

**LEGISLATIVE BILL 75.** Placed on Final Reading.

**LEGISLATIVE BILL 78.** Placed on Final Reading.

**LEGISLATIVE BILL 102.** Placed on Final Reading.

**LEGISLATIVE BILL 115.** Placed on Final Reading.

**LEGISLATIVE BILL 121.** Placed on Final Reading.

**LEGISLATIVE BILL 193.** Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Wayne amendment, AM87, on page 5, line 21, "and all amendments thereto" has been inserted after "23".

2. In the E & R amendments, ER3, amendment 5 has been struck and the remaining amendments renumbered accordingly.

3. On page 2, lines 6 and 7; and page 183, lines 7 and 8, "and 19-5001" has been struck and "19-5001, and 77-2602" inserted.
4. On page 90, line 16, "plan" has been struck and "form" inserted.
5. On page 125, line 5, "(a)" has been inserted after "that"; and in line 6 "(a)" has been struck and shown as stricken.

**LEGISLATIVE BILL 194.** Placed on Final Reading.  
**LEGISLATIVE BILL 196.** Placed on Final Reading.  
**LEGISLATIVE BILL 221.** Placed on Final Reading.  
**LEGISLATIVE BILL 258.** Placed on Final Reading.  
**LEGISLATIVE BILL 259.** Placed on Final Reading.  
**LEGISLATIVE BILL 355.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 223.** Placed on Select File with amendment.  
ER26

- 1 1. On page 1, strike beginning with the second "to" in line 1
- 2 through the first "and" in line 3; and in line 3 after "General" insert
- 3 "relating to a state-sponsored insurance program for guard members; and
- 4 to define a term".

**LEGISLATIVE BILL 442.** Placed on Select File with amendment.  
ER25

- 1 1. On page 3, line 10, strike "medication" and insert "medications".

**LEGISLATIVE BILL 536.** Placed on Select File.

**LEGISLATIVE BILL 622.** Placed on Select File with amendment.  
ER24 is available in the Bill Room.

**LEGISLATIVE BILL 4.** Placed on Select File.  
**LEGISLATIVE BILL 185.** Placed on Select File.  
**LEGISLATIVE BILL 372.** Placed on Select File.

**LEGISLATIVE BILL 103.** Placed on Select File with amendment.  
ER27

- 1 1. On page 1, line 3, strike "provisions relating to property tax
- 2 requests" and insert "the procedure for setting a political subdivision's
- 3 property tax request".

**LEGISLATIVE BILL 450.** Placed on Select File.  
**LEGISLATIVE BILL 450A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 575.** Placed on General File with amendment.

AM175

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

2 sections:

3 Section 1. (1) The school board of each school district shall adopt4 a policy to provide, except as provided in subdivision (2)(a) of this5 section, access to routine directory information for each student in a6 high school grade upon a request made by a military recruiter.7 (2)(a) Except as provided in subsection (5) of this section, a8 parent or guardian of a student in a high school grade may submit a9 written request to the school district that routine directory information10 for such student shall not be released for purposes of subsection (1) of11 this section without prior written consent of the parent or guardian.12 Upon receiving such request, a school district shall not release the13 routine directory information of such student for such purposes without14 the prior written consent of the parent or guardian.15 (b) Within thirty days prior to or following the commencement of16 each school year and, for a new student who enrolls after the17 commencement of a school year, within thirty days following such18 enrollment, each school district shall notify the parents and guardians19 of each student in a high school grade enrolled in the school district of20 the option, except as provided in subsection (5) of this section, to make21 a request pursuant to subdivision (2)(a) of this section.22 (3) The school board of each school district shall adopt a policy to23 provide military recruiters the same access to a student in a high school24 grade as is provided to postsecondary educational institutions or to25 prospective employers of such students.26 (4) Nothing in this section shall be construed to allow a school27 board to adopt a policy to withhold access to routine directory1 information from a military recruiter by implementing any process that2 differs from the written consent request process under subdivision (2)(a)3 of this section.4 (5) For purposes of this section, when a student reaches eighteen5 years of age, the permission or consent required of and the rights6 accorded to the parents or guardians of such student under this section7 shall only be required of and accorded to such student. Within thirty8 days prior to or following the commencement of each school year and, for9 a new student who enrolls after the commencement of a school year, within10 thirty days following such enrollment, each school district shall notify11 each student who is at least eighteen years of age or who will reach12 eighteen years of age during such school year of the option to make a13 request pursuant to subdivision (2)(a) of this section and that any such14 request made previously by a parent or guardian for such student expires15 upon the student reaching eighteen years of age.16 (6) For purposes of this section, routine directory information17 means a student's name, address, and telephone number.

18 (7) Except as otherwise provided by federal law, nothing in this  
19 section shall be construed to limit the applicability of the federal  
20 Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C.  
21 1232g, as such act existed on January 1, 2019.

(Signed) Mike Groene, Chairperson

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

Room 1507

Wednesday, February 27, 2019 1:30 p.m.

Richard Grauerholz - State Emergency Response Commission  
Tim Hofbauer - State Emergency Response Commission  
Trent D. Kleinow - State Emergency Response Commission  
LB626  
LB144

Thursday, February 28, 2019 1:30 p.m.

LB522  
LB524  
LB525  
LB736

Friday, March 1, 2019 1:30 p.m.

LB637  
LB583  
LB414  
LB633

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Title read. Considered.

Committee AM286, found on page 507, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA9

Amend AM286

Page 1, lines 9 and 10 strike and show as stricken "fully literate about" and insert "knowledgeable of".

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

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 his amendment.

Voting in the affirmative, 43:

Albrecht	Crawford	Hansen, M.	Linehan	Scheer
Arch	DeBoer	Hilgers	Lowe	Slama
Bolz	Dorn	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Vargas
Brandt	Geist	Hunt	Morfeld	Walz
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	La Grone	Murman	Wishart
Cavanaugh	Halloran	Lathrop	Pansing Brooks	
Clements	Hansen, B.	Lindstrom	Quick	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 4:

Blood Howard Kolterman Wayne

The Chambers amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bolz offered the following amendment to the committee amendment:

FA10

Amend AM286

On page 3, strike lines 21 through 23

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

The Bolz amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA11  
Amend AM286  
Page 1, line 6 strike "patriotic"

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 430.** Placed on Select File with amendment.

ER30

1 1. On page 1, line 7, after the first semicolon insert "to eliminate  
2 obsolete provisions;"

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 125.** Placed on General File.

**LEGISLATIVE BILL 309.** Placed on General File.

**LEGISLATIVE BILL 318.** Placed on General File.

**LEGISLATIVE BILL 339.** Placed on General File.

**LEGISLATIVE BILL 340.** Placed on General File.

**LEGISLATIVE BILL 443.** Placed on General File.

**LEGISLATIVE BILL 627.** Placed on General File.

**LEGISLATIVE BILL 141.** Placed on General File with amendment.

AM145

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

2 sections:

3 Section 1. Section 28-115, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 28-115 (1) Except as provided in subsection (2) of this section, any

6 person who commits any of the following criminal offenses against a

7 pregnant woman shall be punished by the imposition of the next higher

8 penalty classification than the penalty classification prescribed for the

9 criminal offense:

10 (a) Assault in the first degree, section 28-308;

11 (b) Assault in the second degree, section 28-309;

12 (c) Assault in the third degree, section 28-310;

13 (d) Assault by strangulation or suffocation, section 28-310.01;

14 (e) ~~(e)~~ Sexual assault in the first degree, section 28-319;

15 (f) ~~(e)~~ Sexual assault in the second or third degree, section

16 28-320;

17 (g) ~~(f)~~ Sexual assault of a child in the first degree, section

18 28-319.01;

19 ~~(h)~~ ~~(g)~~ Sexual assault of a child in the second or third degree,  
20 section 28-320.01;

21 ~~(i)~~ ~~(h)~~ Sexual abuse of an inmate or parolee in the first degree,  
22 section 28-322.02;

23 ~~(j)~~ ~~(i)~~ Sexual abuse of an inmate or parolee in the second degree,  
24 section 28-322.03;

25 ~~(k)~~ ~~(j)~~ Sexual abuse of a protected individual in the first or  
26 second degree, section 28-322.04;

27 ~~(l)~~ ~~(k)~~ Domestic assault in the first, second, or third degree,  
1 section 28-323;

2 ~~(m)~~ ~~(l)~~ Assault on an officer, an emergency responder, a state  
3 correctional employee, a Department of Health and Human Services  
4 employee, or a health care professional in the first degree, section  
5 28-929;

6 ~~(n)~~ ~~(m)~~ Assault on an officer, an emergency responder, a state  
7 correctional employee, a Department of Health and Human Services  
8 employee, or a health care professional in the second degree, section  
9 28-930;

10 ~~(o)~~ ~~(n)~~ Assault on an officer, an emergency responder, a state  
11 correctional employee, a Department of Health and Human Services  
12 employee, or a health care professional in the third degree, section  
13 28-931;

14 ~~(p)~~ ~~(o)~~ Assault on an officer, an emergency responder, a state  
15 correctional employee, a Department of Health and Human Services  
16 employee, or a health care professional using a motor vehicle, section  
17 28-931.01;

18 ~~(q)~~ ~~(p)~~ Assault by a confined person, section 28-932;

19 ~~(r)~~ ~~(q)~~ Confined person committing offenses against another person,  
20 section 28-933; and

21 ~~(s)~~ ~~(r)~~ Proximately causing serious bodily injury while operating a  
22 motor vehicle, section 60-6,198.

23 (2) The enhancement in subsection (1) of this section does not apply  
24 to any criminal offense listed in subsection (1) of this section that is  
25 already punishable as a Class I, IA, or IB felony. If any criminal  
26 offense listed in subsection (1) of this section is punishable as a Class  
27 I misdemeanor, the penalty under this section is a Class IIIA felony.

28 (3) The prosecution shall allege and prove beyond a reasonable doubt  
29 that the victim was pregnant at the time of the offense.

30 Sec. 2. Section 28-310.01, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 28-310.01 (1) A person commits the offense of assault by  
2 strangulation or suffocation if the person knowingly or intentionally:  
3 (a) Impedes intentionally impedes the normal breathing or  
4 circulation of the blood of another person by applying pressure on the  
5 throat or neck of the other person; or -  
6 (b) Impedes the normal breathing of another person by covering the  
7 mouth and nose of the person.

8 (2) An offense is committed under this section regardless of whether  
9 a visible injury resulted.

10 ~~(3) (2)~~ Except as provided in subsection ~~(4) (3)~~ of this section, a  
 11 violation of this section ~~strangulation~~ is a Class IIIA felony.  
 12 ~~(4) A violation of this section (3) Strangulation~~ is a Class IIA  
 13 felony if:  
 14 (a) The person used or attempted to use a dangerous instrument while  
 15 committing the offense;  
 16 (b) The person caused serious bodily injury to the other person  
 17 while committing the offense; or  
 18 (c) The person has been previously convicted of a violation of this  
 19 section strangulation.  
 20 ~~(5) (4)~~ It is an affirmative defense that an act constituting  
 21 strangulation or suffocation was the result of a legitimate medical  
 22 procedure.  
 23 Sec. 3. Original sections 28-115 and 28-310.01, Reissue Revised  
 24 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 354.** Placed on General File with amendment.  
 AM112

1 1. Strike original section 2.  
 2 2. On page 3, strike beginning with "Seal" in line 5 through  
 3 "record" in line 7 and insert  
 4 "(a) Respond to a public inquiry in the same manner as if there were  
 5 no information or records concerning participation in the diversion  
 6 program. Information or records pertaining to participation in the  
 7 diversion program shall not be disseminated to any person other than:  
 8 (i) A criminal justice agency as defined in section 29-3509;  
 9 (ii) The individual who is the subject of the record or any persons  
 10 authorized by such individual; or  
 11 (iii) Other persons or agencies authorized by law.  
 12 (b) An individual, a person, or an agency requesting information  
 13 subject to subdivision (9) of this section shall provide the diversion  
 14 program with satisfactory verification of his, her, or its identity."  
 15 3. On page 7, strike beginning with "The" in line 13 through "act"  
 16 in line 16 and insert "The changes made by this legislative bill to the  
 17 relief set forth in sections 43-2,108.03 to 43-2,108.05 shall apply to  
 18 all persons described in this section, as amended by this legislative  
 19 bill, for offenses occurring prior to, on, or after the effective date of  
 20 this act".  
 21 4. On page 16, line 4 after "individual" insert ". The individual  
 22 shall provide satisfactory verification of his or her identity".  
 23 5. On page 17, strike beginning with "negligently" in line 5 through  
 24 "intentionally" in line 6 and insert "knowingly".  
 25 6. Renumber the remaining sections and correct the repealer  
 26 accordingly.

(Signed) Steve Lathrop, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Wednesday, February 27, 2019 1:30 p.m.

Agency 45 - Barber Examiners, Board of  
Agency 30 - Electrical Board, State  
Agency 74 - Power Review Board, Nebraska  
Agency 41 - State Real Estate Commission  
Agency 53 - Real Property Appraiser Board  
Agency 63 - Public Accountancy, Nebraska Board of  
Agency 58 - Board of Engineers and Architects  
Agency 59 - Board of Geologists  
Agency 62 - Land Surveyors, State Board of Examiners for  
Agency 66 - Abstracters Board of Examiners  
Agency 73 - Landscape Architects, State Board of

Thursday, February 28, 2019 1:30 p.m.

Agency 52 - State Fair Board  
Agency 39 - Brand Committee, Nebraska  
Agency 56 - Wheat Board, Nebraska  
Agency 61 - Dairy Industry Development Board, Nebraska  
Agency 86 - Dry Bean Commission  
Agency 88 - Corn Development, Utilization and Marketing Board  
Agency 92 - Grain Sorghum Board, Nebraska

Friday, March 1, 2019 1:30 p.m.

LB100

LB225

Agency 54 - Historical Society, Nebraska State  
Agency 23 - Labor, Department of  
Agency 37 - Workers' Compensation Court  
Agency 77 - Industrial Relations, Commission of  
Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) John Stinner, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

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

Don Kraus - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

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

Senator Linehan filed the following amendment to LB103:  
AM296

(Amendments to Standing Committee amendments, AM116)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

Senator Williams filed the following amendment to LB622:  
AM340

(Amendments to E&R amendments, ER24)

- 1 1. On page 5, strike beginning with "which" in line 15 through line
- 2 30, show the old matter as stricken, and insert "utilizing the dedicated
- 3 method as provided in subdivision (2)(a) of section 77-2398, and which
- 4 has furnished securities pursuant to the Public Funds Deposit Security
- 5 Act, may, at any time and without prior approval, substitute, exchange,
- 6 or release securities deposited with a qualified trustee if such
- 7 substitution, exchange, or release does not reduce the market value of
- 8 the securities to an amount that is less than one hundred two percent of
- 9 the total amount of public money or public funds less the portion of such
- 10 public money or public funds insured or guaranteed by the Federal Deposit
- 11 Insurance Corporation."
- 12 2. On page 12, line 15, after "77-2398" insert an underscored comma;
- 13 and in line 16 after "director" insert "acting for the benefit of the
- 14 governmental units having public money or public funds on deposit with
- 15 such bank, capital stock financial institution, or qualifying mutual
- 16 financial institution".
- 17 3. On page 13, line 7, strike "custodial officials", show as
- 18 stricken, and insert "the governmental units having public money or
- 19 public funds on deposit with such bank, capital stock financial
- 20 institution, or qualifying mutual financial institution".

**ANNOUNCEMENT**

Senator Linehan announced the Revenue Committee will hold an executive session Thursday, February 21, 2019, at 9:30 a.m., in Room 2022.

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

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

Senator Howard name added to LB611.

Senator Lathrop name added to LB611.

**VISITOR(S)**

Visitors to the Chamber were McLean Witte, Bekka Hitz, Alex Timm, Madeline Wittstruck, Mili Samal, Gracie Davis, and other leaders of Nebraska's career and technical student organizations from across the state; students and teachers from Omaha Public Schools career academy; members of the Nebraska Pork Producers leadership group from across the state; members from the League of Women Voters from across the state; and students and teachers from Lincoln High School and UNL.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Wednesday, February 20, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-EIGHTH DAY - FEBRUARY 20, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 20, 2019

**PRAYER**

The prayer was offered by Father Gary Coulter, Our Lady of Good Counsel Retreat House, Waverly.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Hilgers presiding.

The roll was called and all members were present except Senators McDonnell and Vargas who were excused; and Senators DeBoer, Groene, B. Hansen, M. Hansen, Hilkemann, Howard, Linehan, McCollister, Pansing Brooks, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**NOTICE OF COMMITTEE HEARING(S)  
Health and Human Services**

Room 1510

Wednesday, February 27, 2019 1:30 p.m.

Kyle Klammer - Nebraska Rural Health Advisory Commission  
Cherlyn Hunt - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 25A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 399.** Senator Chambers renewed his amendment, FA11, found on page 537, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 34:

Albrecht	Dorn	Hansen, B.	Lathrop	Quick
Arch	Erdman	Hansen, M.	Lindstrom	Scheer
Bolz	Friesen	Hilgers	Linehan	Slama
Bostelman	Geist	Hilkemann	Lowe	Stinner
Brandt	Gragert	Hughes	McCollister	Wayne
Brewer	Groene	Kolterman	Moser	Williams
Clements	Halloran	La Grone	Murman	

Present and not voting, 10:

Blood	Chambers	Howard	Morfeld	Walz
Cavanaugh	Crawford	Kolowski	Pansing Brooks	Wishart

Excused and not voting, 4:

Briese	DeBoer	McDonnell	Vargas
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The Chambers amendment lost with 1 aye, 34 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bolz offered the following amendment to the committee amendment:

AM365

(Amendments to Standing Committee amendments, AM286)

1 1. On page 5, strike lines 24 through 29 and show the old matter as  
2 stricken.

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

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Blood	Crawford	Howard	McCollister	Walz
Bolz	DeBoer	Hunt	Morfeld	Wayne
Cavanaugh	Hansen, M.	Kolowski	Pansing Brooks	Wishart
Chambers	Hilkemann	Lathrop	Quick	

Voting in the negative, 27:

Albrecht	Dorn	Halloran	Lindstrom	Slama
Arch	Erdman	Hansen, B.	Linehan	Stinner
Bostelman	Friesen	Hilgers	Lowe	Williams
Brandt	Geist	Hughes	Moser	
Brewer	Gragert	Kolterman	Murman	
Clements	Groene	La Grone	Scheer	

Excused and not voting, 3:

Briese          McDonnell      Vargas

The Bolz amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA12

Amend AM286

Strike the original sections and insert the following: "Repeal outright sections 724, 725, 726 and 727."

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, February 27, 2019 1:30 p.m.

LB303  
 LR8CA  
 LB506  
 LB482

Thursday, February 28, 2019 1:30 p.m.

LB473  
 LB710

LB493  
LB529

Friday, March 1, 2019 1:30 p.m.

LB162  
LB507  
LB508  
LB614  
LB441

(Signed) Lou Ann Linehan, Chairperson

Natural Resources

Room 1525

Wednesday, February 27, 2019 1:30 p.m.

Mark Czaplewski - Nebraska Natural Resources Commission  
LB374

Thursday, February 28, 2019 1:30 p.m.

Donald P. Batie - Nebraska Natural Resources Commission  
LB580  
LB632

(Signed) Dan Hughes, Chairperson

Executive Board

Room 1525

Wednesday, February 27, 2019 12:00 p.m.

LB572  
LB598  
LB599  
LB600

Thursday, February 28, 2019 12:00 p.m.

LB636  
LB681  
LB713  
LR16

(Signed) Mike Hilgers, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 660.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 486.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 254.** Title read. Considered.

Senator B. Hansen offered the following amendment:

AM384

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

2 sections:

3 Section 1. Sections 1 to 3 of this act shall be known and may be

4 cited as the Fair Chance Hiring Act.

5 Sec. 2. For purposes of the Fair Chance Hiring Act:

6 (1) Applicant means (a) any individual considered for, or who

7 requests to be considered for, employment by an employer, or (b) any

8 employee considered for, or who requests to be considered for, another

9 employment position with his or her employer;

10 (2) Employee means an individual employed by an employer;

11 (3) Employer means any person having in his or her employ fifteen or

12 more employees for each working day in each of twenty or more calendar

13 weeks in the current or preceding calendar year, and any person acting

14 for or in the interest of an employer, directly or indirectly but such

15 term does not include (a) the United States, (b) a corporation wholly

16 owned by the government of the United States, (c) an Indian tribe or (d)

17 the State of Nebraska, state or local governmental agencies, or political

18 subdivisions;

19 (4) Employment agency means any person regularly undertaking with or

20 without compensation to procure employees for an employer or to procure

21 for employees opportunities to work for an employer and includes an agent

22 of such a person, but does not include an agency of the United States,

23 except that such term does include the United States Employment Service

24 and the system of state and local employment services receiving federal

25 assistance;

26 (5) Person includes one or more individuals, partnerships, limited

27 liability companies, associations, corporations, business trusts, legal

1 representatives, or any organized group of persons.

2 Sec. 3. An employer or employment agency that asks an applicant to

3 disclose, orally or in writing, information concerning the applicant's

4 criminal record or history, including any inquiry on any employment

5 application, shall afford the applicant an opportunity to explain the

6 information and the circumstances regarding any convictions or other  
7 criminal history, including the applicant's rehabilitation.

The B. Hansen amendment was adopted with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 4 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 361.** Title read. Considered.

Committee AM289, found on page 523, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator M. Hansen moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

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

Voting in the affirmative, 26:

Blood	DeBoer	Hilkemann	Morfeld	Wayne
Bolz	Dorn	Howard	Murman	Wishart
Brandt	Gragert	Hunt	Pansing Brooks	
Cavanaugh	Halloran	Kolowski	Quick	
Chambers	Hansen, B.	Lathrop	Scheer	
Crawford	Hansen, M.	McCollister	Walz	

Voting in the negative, 8:

Albrecht	Brewer	Erdman	Lowe
Arch	Clements	Geist	Stinner

Present and not voting, 11:

Bostelman	Hughes	Lindstrom	Slama
Groene	Kolterman	Linehan	Williams
Hilgers	La Grone	Moser	

Excused and not voting, 4:

Briese	Friesen	McDonnell	Vargas
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Advanced to Enrollment and Review Initial with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Senator Kolterman filed the following amendment to LB29:  
AM367

(Amendments to Standing Committee amendments, AM86)

- 1 1. On page 1, line 3, after "line" insert "3, after the comma insert
- 2 'the Perfusion Practice Act.'; and in line".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 25.** Introduced by Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Dale Frank Krueger was born July 4, 1923, on a farm near Winside, Nebraska; and

WHEREAS, Dale Krueger farmed with his family until being drafted into service in 1944. He was inducted into the United States Navy where he served until July 1946; and

WHEREAS, in July of 1945, Dale Krueger served as a fireman aboard the U.S.S. Indianapolis, which delivered to the island of Tinian the atomic bomb that would later be dropped on Hiroshima, Japan; and

WHEREAS, on July 30, 1945, the U.S.S. Indianapolis was hit by two torpedoes fired by a Japanese submarine and sunk, sending nearly 900 of the 1,195 men on board into the shark-infested waters; and

WHEREAS, the survivors of the torpedo attack on the U.S.S. Indianapolis remained in the Philippine Sea for four days before being accidentally discovered by a pilot on a routine antisubmarine patrol; and

WHEREAS, Dale Krueger was one of 316 survivors of the U.S.S. Indianapolis disaster, having spent one hundred hours in the sea, experiencing extreme dehydration and exposure, and under constant shark attacks with only a standard life jacket; and

WHEREAS, Dale Krueger received the Purple Heart Medal; and

WHEREAS, Dale married Lois Ruser on February 14, 1948, at Immanuel Lutheran Church near Wayne, Nebraska. The couple farmed near Winside and had two children, Diane and Dean; and

WHEREAS, Dale exemplified service to his country and community as a member of the Rural Fire Board, Winside School Board, V.F.W. Post #1644 in Norfolk, Winside American Legion Post #0252, and Trinity Lutheran Church in Winside; and

WHEREAS, Dale Frank Krueger passed away at the age of 95 on February 8, 2019.

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

1. That the Legislature honors the life and service of Dale F. Krueger and offers its condolences to the Krueger family.
2. That a copy of this resolution be sent to the family of Dale F. Krueger.

Laid over.

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

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

**LEGISLATIVE BILL 660A.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

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

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

Senator Murman name added to LB594.

Senator Brandt name added to LB729.

#### **ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-NINTH DAY - FEBRUARY 21, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 21, 2019

**PRAYER**

The prayer was offered by Pastor Stu Kerns, Zion Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Wayne presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 540:

Nebraska Natural Resources Commission  
Don Kraus

Voting in the affirmative, 39:

Albrecht	DeBoer	Hansen, M.	Lathrop	Pansing Brooks
Arch	Dorn	Hilgers	Lindstrom	Quick
Blood	Friesen	Hilkemann	Linehan	Slama
Bolz	Geist	Hughes	Lowe	Stinner
Bostelman	Gragert	Hunt	McCollister	Walz
Brandt	Groene	Kolowski	McDonnell	Wayne
Brewer	Halloran	Kolterman	Moser	Williams
Chambers	Hansen, B.	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Briese	Crawford	Howard	Wishart
Clements	Erdman	Scheer	

Excused and not voting, 3:

Cavanaugh Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 430.** ER30, found on page 537, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 22.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 60.** ER22, found on page 500, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 74.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 302.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 200.** ER20, found on page 500, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 307.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 256.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 111.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 192.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 192A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 80.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 81.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 48.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 112.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**  
Executive Board

Room 1525

Thursday, February 28, 2019 12:00 p.m.

LR16 (cancel)

(Signed) Mike Hilgers, Chairperson

General Affairs

Room 1510

Monday, March 4, 2019 1:30 p.m.

LB137

LB149

LB397

LB734

Harry Hoch - Nebraska Liquor Control Commission

(Signed) Tom Briese, Chairperson

Agriculture

Room 1003

Tuesday, March 5, 2019 1:30 p.m.

LB45  
LB304  
LB732

Tuesday, March 12, 2019 1:30 p.m.

LB655  
Dawn Caldwell - Nebraska State Fair Board  
Chris Kircher - Nebraska State Fair Board

(Signed) Steve Halloran, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 309A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, One Hundred Sixth Legislature, First Session, 2019.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 406.** Placed on Select File with amendment.  
ER28

- 1 1. On page 1, line 2, strike "69-1310,"; and in line 4 strike
- 2 "abandoned property reports,".

**LEGISLATIVE BILL 159.** Placed on Select File with amendment.  
ER33

- 1 1. On page 3, line 9, strike "Supplement" and insert "supplement".
- 2 2. On page 15, line 24, strike "this" and insert "the".
- 3 3. On page 26, line 22, after "to" insert "the".
- 4 4. On page 28, line 20, strike the period and insert an underscored
- 5 semicolon.

**LEGISLATIVE BILL 380.** Placed on Select File with amendment.  
ER32 is available in the Bill Room.

**LEGISLATIVE BILL 469.** Placed on Select File with amendment.

ER29

1 1. On page 1, strike beginning with "to" in line 4 through the first  
2 semicolon in line 13 and insert "to define a term; to authorize domestic  
3 surplus lines insurers as prescribed and change requirements for  
4 nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate  
5 requirements for the adoption of certain rules and regulations and change  
6 provisions relating to exemptions from policy form approval under the  
7 Property and Casualty Insurance Rate and Form Act; to eliminate  
8 provisions relating to employee benefit plans;".

**LEGISLATIVE BILL 25.** Placed on Select File.

**LEGISLATIVE BILL 119.** Placed on Select File with amendment.

ER31

1 1. On page 1, line 2, strike "and"; in line 3 after the comma insert  
2 "and 71-7913,"; and in line 5 after the semicolon insert "to provide a  
3 burden of proof relating to the protection of certain communications and  
4 documents;".

**LEGISLATIVE BILL 333.** Placed on Select File.

**LEGISLATIVE BILL 203.** Placed on Select File.

**LEGISLATIVE BILL 235.** Placed on Select File.

**LEGISLATIVE BILL 624.** Placed on Select File with amendment.

ER34

1 1. On page 2, line 11, after "years" insert an underscored comma.

**LEGISLATIVE BILL 4A.** Placed on Select File.

**LEGISLATIVE BILL 160.** Placed on Select File with amendment.

ER35

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 18-2705, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:  
5 18-2705 (1) Economic development program means any project or  
6 program utilizing funds derived from local sources of revenue for the  
7 purpose of providing direct or indirect financial assistance to a  
8 qualifying business or the payment of related costs and expenses or both,  
9 without regard to whether that business is identified at the time the  
10 project or program is initiated or is to be determined by specified means  
11 at some time in the future.  
12 (2) An economic development program may include, but shall not be  
13 limited to, the following activities: Direct loans or grants to  
14 qualifying businesses for fixed assets or working capital or both; loan  
15 guarantees for qualifying businesses; grants for public works  
16 improvements which are essential to the location or expansion of, or the

17 provision of new services by, a qualifying business; grants or loans to  
 18 qualifying businesses for job training; the purchase of real estate,  
 19 options for such purchases, and the renewal or extension of such options;  
 20 grants or loans to qualifying businesses to provide relocation incentives  
 21 for new residents; the issuance of bonds as provided for in the Local  
 22 Option Municipal Economic Development Act; and payments for salaries and  
 23 support of city staff to implement the economic development program or  
 24 the contracting of such to an outside entity.

25 (3) For cities of the first class, cities of the ~~and~~ second class,  
 26 and villages, an economic development program may also include grants or  
 27 loans for the construction or rehabilitation for sale or lease of housing  
 1 for persons of low or moderate income.

2 (4) For cities of the first class, cities of the ~~and~~ second class,  
 3 and villages, an economic development program may also include grants,  
 4 loans, or funds for rural infrastructure development as defined in  
 5 section 66-2102.

6 (5) For cities of the first class, cities of the ~~and~~ second class,  
 7 and villages, an economic development program may also include grants or  
 8 loans for the construction or rehabilitation for sale or lease of housing  
 9 as part of a workforce housing plan.

10 (6) For cities of the first class, cities of the second class, and  
 11 villages, an economic development program may also include grants, loans,  
 12 or funds for early childhood infrastructure development. For purposes of  
 13 this subsection, early childhood infrastructure development means  
 14 planning, financing, developing, acquiring, constructing, owning,  
 15 operating, evaluating, or maintaining an early childhood education  
 16 program of recognized quality or entering into any agreement with an  
 17 existing early childhood education program to address early childhood  
 18 education shortages that impair the ability of the city to attract new  
 19 businesses or that impair the ability of existing businesses to recruit  
 20 new employees.

21 (7) ~~(6)~~ An economic development program may be conducted jointly by  
 22 two or more cities after the approval of the program by the voters of  
 23 each participating city.

24 Sec. 2. Section 18-2709, Revised Statutes Cumulative Supplement,  
 25 2018, is amended to read:

26 18-2709 (1) Qualifying business means any corporation, partnership,  
 27 limited liability company, or sole proprietorship which derives its  
 28 principal source of income from any of the following: The manufacture of  
 29 articles of commerce; the conduct of research and development; the  
 30 processing, storage, transport, or sale of goods or commodities which are  
 31 sold or traded in interstate commerce; the sale of services in interstate  
 1 commerce; headquarters facilities relating to eligible activities as  
 2 listed in this section; telecommunications activities, including services  
 3 providing advanced telecommunications capability; tourism-related  
 4 activities; or the production of films, including feature, independent,  
 5 and documentary films, commercials, and television programs.

6 (2) Qualifying business also means:

7 (a) In cities of the first class, cities of the ~~and~~ second class,

8 and villages, a business that derives its principal source of income from  
9 the construction or rehabilitation of housing;  
10 (b) In cities of the first class, cities of the second class, and  
11 villages, a business that derives its principal source of income from  
12 early childhood care and education programs;  
13 (c) ~~(b)~~ A business that derives its principal source of income from  
14 retail trade, except that no more than forty percent of the total revenue  
15 generated pursuant to the Local Option Municipal Economic Development Act  
16 for an economic development program in any twelve-month period and no  
17 more than twenty percent of the total revenue generated pursuant to the  
18 act for an economic development program in any five-year period,  
19 commencing from the date of municipal approval of an economic development  
20 program, shall be used by the city for or devoted to the use of retail  
21 trade businesses. For purposes of this subdivision, retail trade means a  
22 business which is principally engaged in the sale of goods or commodities  
23 to ultimate consumers for their own use or consumption and not for  
24 resale; and  
25 (d) ~~(c)~~ In cities with a population of two thousand five hundred  
26 inhabitants or less as determined by the most recent federal decennial  
27 census or the most recent revised certified count by the United States  
28 Bureau of the Census, a business shall be a qualifying business even  
29 though it derives its principal source of income from activities other  
30 than those set out in this section.  
31 (3) If a business which would otherwise be a qualifying business  
1 employs people and carries on activities in more than one city in  
2 Nebraska or will do so at any time during the first year following its  
3 application for participation in an economic development program, it  
4 shall be a qualifying business only if, in each such city, it maintains  
5 employment for the first two years following the date on which such  
6 business begins operations in the city as a participant in its economic  
7 development program at a level not less than its average employment in  
8 such city over the twelve-month period preceding participation.  
9 (4) A qualifying business need not be located within the territorial  
10 boundaries of the city from which it is or will be receiving financial  
11 assistance.  
12 (5) Qualifying business does not include a political subdivision, a  
13 state agency, or any other governmental entity, except as allowed for  
14 cities of the first class, cities of the ~~and~~ second class, and villages  
15 for rural infrastructure development as provided for in subsection (4) of  
16 section 18-2705.  
17 Sec. 3. Original sections 18-2705 and 18-2709, Revised Statutes  
18 Cumulative Supplement, 2018, are repealed.  
19 2. On page 1, line 4, strike "quality".

**LEGISLATIVE BILL 195.** Placed on Select File.

**LEGISLATIVE BILL 124.** Placed on Select File.

**LEGISLATIVE BILL 127.** Placed on Select File.

**LEGISLATIVE BILL 139.** Placed on Select File.

**LEGISLATIVE BILL 319.** Placed on Select File.

**LEGISLATIVE BILL 699.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 29.** Title read. Considered.

Committee AM86, found on page 523, was offered.

Senator Kolterman offered his amendment, AM367, found on page 549, to the committee amendment.

The Kolterman amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

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

**LEGISLATIVE BILL 575.** Title read. Considered.

Committee AM175, found on page 534, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

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

Voting in the affirmative, 44:

Albrecht	DeBoer	Hansen, M.	Lindstrom	Quick
Arch	Dorn	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bolz	Friesen	Howard	McCollister	Stinner
Bostelman	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Brewer	Groene	Kolterman	Moser	Williams
Briese	Halloran	La Grone	Murman	Wishart
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 2:

Chambers     Hunt

Present and not voting, 2:

Cavanaugh   Crawford

Excused and not voting, 1:

Wayne

Advanced to Enrollment and Review Initial with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 125.** Title read. Considered.

Senator Lathrop offered the following amendment:

FA13

Line 11 strike "one thousand five hundred" and insert "five thousand"

The Lathrop amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1507

Tuesday, March 19, 2019 5:00 p.m.

LB31

LB683

LB706

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 449.** Placed on General File.

**LEGISLATIVE BILL 590.** Placed on General File with amendment.

AM330

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

2 sections:

3 Section 1. Section 43-2606, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 43-2606 (1) The Department of Health and Human Services shall adopt  
6 and promulgate rules and regulations for mandatory training requirements  
7 for providers of child care and school-age-care programs. Such  
8 requirements shall include preservice orientation and at least four hours  
9 of annual inservice training. All child care programs required to be  
10 licensed under section 71-1911 shall show completion of a preservice  
11 orientation approved or delivered by the department prior to receiving a  
12 provisional license.

13 (2) Beginning January 1, 2020, for programs that report to the  
14 Nebraska Early Childhood Professional Record System created under section  
15 71-1962, the department shall use the Nebraska Early Childhood  
16 Professional Record System to (a) document the training levels of staff  
17 in specific child care settings to assist parents in selecting optimal  
18 care settings and (b) verify minimum training requirements of employees  
19 of such programs ~~The department shall initiate a system of documenting~~  
20 ~~the training levels of staff in specific child care settings to assist~~  
21 ~~parents in selecting optimal care settings.~~

22 (3) The training requirements shall be designed to meet the health,  
23 safety, and developmental needs of children and shall be tailored to the  
24 needs of licensed providers of child care programs. Preservice  
25 orientation and the training requirements for providers of child care  
26 programs shall include, but not be limited to, information on sudden  
27 unexpected infant death syndrome, shaken baby syndrome, and child abuse.

1 (4) The department shall provide or arrange for training  
2 opportunities throughout the state and shall provide information  
3 regarding training opportunities to all providers of child care programs  
4 at the time of registration or licensure, when renewing a registration,  
5 or on a yearly basis following licensure.

6 (5) Each provider of child care and school-age-care programs  
7 receiving orientation or training shall provide his or her social  
8 security number to the department.

9 (6) The department shall review and provide recommendations to the  
10 Governor for updating rules and regulations adopted and promulgated under  
11 this section at least every five years.

12 Sec. 2. Original section 43-2606, Revised Statutes Cumulative  
13 Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

Business and Labor

**LEGISLATIVE BILL 400.** Placed on General File.

**LEGISLATIVE BILL 217.** Placed on General File with amendment.  
AM387

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

2 sections:

3 Section 1. Section 48-1114, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 48-1114 It shall be an unlawful employment practice for an employer  
6 to discriminate against any of his or her employees or applicants for  
7 employment, for an employment agency to discriminate against any  
8 individual, or for a labor organization to discriminate against any  
9 member thereof or applicant for membership, because he or she (1) has  
10 opposed any practice made an unlawful employment practice by the Nebraska  
11 Fair Employment Practice Act, (2) has made a charge, testified, assisted,  
12 or participated in any manner in an investigation, proceeding, or hearing  
13 under the act, ~~or~~ (3) has opposed any practice or refused to carry out  
14 any action unlawful under federal law or the laws of this state, or (4)  
15 has inquired about, discussed, or disclosed information regarding  
16 employee compensation. This subdivision (4) shall not apply to instances  
17 in which an employee who has authorized access to the information  
18 regarding compensation of other employees as a part of such employee's  
19 job functions discloses such information to a person who does not  
20 otherwise have authorized access to such information, unless such  
21 disclosure is in response to a charge or complaint or in furtherance of  
22 an investigation, proceeding, hearing, or other action, including an  
23 investigation conducted by the employer.

24 Sec. 2. Original section 48-1114, Reissue Revised Statutes of  
25 Nebraska, is repealed.

(Signed) Matt Hansen, Chairperson

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

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

**LEGISLATIVE BILL 112A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, One Hundred Sixth Legislature, First Session, 2019.

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

Senator Williams filed the following amendment to LB622:  
AM406

(Amendments to E&R amendments, ER 24)

- 1 1. On page 5, lines 17, 20, 25, and 29, strike "exchange, or  
2 release" and insert "or exchange"; and in line 19 strike "exchanged, or  
3 released" and insert "or exchanged".
- 4 2. On page 12, line 15, after "77-2398" insert an underscored comma;  
5 and in line 16 after "director" insert "acting for the benefit of the  
6 governmental units having public money or public funds on deposit with  
7 such bank, capital stock financial institution, or qualifying mutual

8 financial institution".

9 3. On page 13, line 7, strike "custodial officials", show as  
10 stricken, and insert "the governmental units having public money or  
11 public funds on deposit with such bank, capital stock financial  
12 institution, or qualifying mutual financial institution".

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

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

Senator Wayne name added to LB137.

Senator Hilkemann name added to LB439.

Senator McDonnell name added to LB511.

Senator Moser name added to LB605.

Senator Hilkemann name added to LB643.

#### **VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Petroleum Producers from across the state; and members from Preserve the Sandhills.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

#### **ADJOURNMENT**

At 11:42 a.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Friday, February 22, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTIETH DAY - FEBRUARY 22, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 22, 2019

**PRAYER**

The prayer was offered by Reverend Greg Volzke, Christ Lutheran Church, Juniata.

**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 Kolowski, Walz, and Williams who were excused; and Senators Bolz, Bostelman, M. Hansen, McCollister, Morfeld, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 21, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bracht, David L.  
Catalyst Public Affairs  
Catalyst Public Affairs  
Blue Cross and Blue Shield of Nebraska  
Hall, Darrin  
United Airlines, Inc.  
Jensen Rogert Associates, Inc.  
American Association of Orthodontists  
Rembolt Ludtke, LLP

Wilkinson Development, Inc.  
Szabo, Carl  
NetChoice

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, March 4, 2019 1:30 p.m.

LB120  
LB416  
LB104  
LB650

(Signed) Mike Groene, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 660A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 112A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 399.** Senator Chambers renewed his amendment, FA12, found on page 545, to the committee amendment.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 430.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 25A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 142.** Placed on General File.**LEGISLATIVE BILL 269.** Placed on General File.**LEGISLATIVE BILL 270.** Placed on General File with amendment.

AM369

1 1. Strike the original sections 4 and 10 and insert the following

2 new sections:

3 Sec. 4. Section 37-1292, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 37-1292 For purposes of this section and sections 37-1293 to

6 37-1298:

7 (1) Cost of repairs means the estimated or actual retail cost of

8 parts needed to repair a motorboat plus the cost of labor computed by

9 using the hourly labor rate and time allocations for repair that are

10 customary and reasonable. Retail cost of parts and labor rates may be

11 based upon collision estimating manuals or electronic computer estimating  
12 systems customarily used in the insurance industry;

13 (2) Late model motorboat means a motorboat which has (a) a

14 manufacturer's model year designation of, or later than, the year in

15 which the motorboat was wrecked, damaged, or destroyed, or any of the six

16 preceding years, or (b) a retail value of more than ten thousand dollars

17 until January 1, 2006, a retail value of more than ten thousand five

18 hundred dollars until January 1, 2010, and a retail value of more than

19 ten thousand five hundred dollars increased by five hundred dollars every

20 five years thereafter;

21 (3) Previously salvaged means the designation of a rebuilt or

22 ~~reconstructed~~ motorboat which was previously required to be issued a

23 salvage branded certificate of title;

24 (4) Retail value means the actual cash value, fair market value, or

25 retail value of a motorboat as (a) set forth in a current edition of any

26 nationally recognized compilation, including automated data bases, of

27 retail values or (b) determined pursuant to a market survey of comparable

1 motorboats with respect to condition and equipment; and

2 (5) Salvage means the designation of a motorboat which is:

3 (a) A late model motorboat which has been wrecked, damaged, or

4 destroyed to the extent that the estimated total cost of repair to

5 rebuild or reconstruct the motorboat to its condition immediately before

6 it was wrecked, damaged, or destroyed and to restore the motorboat to a

7 condition for legal operation, meets or exceeds seventy-five percent of

8 the retail value of the motorboat at the time it was wrecked, damaged, or  
9 destroyed; or

10 (b) Voluntarily designated by the owner of the motorboat as a  
11 salvage motorboat by obtaining a salvage branded certificate of title,  
12 without respect to the damage to, age of, or value of the motorboat.

13 Sec. 10. Section 60-171, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 60-171 For purposes of sections 60-171 to 60-177:

16 (1) Cost of repairs means the estimated or actual retail cost of  
17 parts needed to repair a vehicle plus the cost of labor computed by using  
18 the hourly labor rate and time allocations for repair that are customary  
19 and reasonable. Retail cost of parts and labor rates may be based upon  
20 collision estimating manuals or electronic computer estimating systems  
21 customarily used in the insurance industry;

22 (2) Flood damaged means damage to a vehicle resulting from being  
23 submerged in water to the point that rising water has reached over the  
24 floorboard, has entered the passenger compartment, and has caused damage  
25 to any electrical, computerized, or mechanical components. Flood damaged  
26 specifically does not apply to a vehicle that an inspection, conducted by  
27 an insurance claim representative or a vehicle repairer, indicates:

28 (a) Has no electrical, computerized, or mechanical components  
29 damaged by water; or

30 (b) Had one or more electrical, computerized, or mechanical  
31 components damaged by water and all such damaged components were repaired  
1 or replaced;

2 (3) Late model vehicle means a vehicle which has (a) a  
3 manufacturer's model year designation of, or later than, the year in  
4 which the vehicle was wrecked, damaged, or destroyed, or any of the six  
5 preceding years or (b)(i) in the case of vehicles other than all-terrain  
6 vehicles, utility-type vehicles, and minibikes, a retail value of more  
7 than ten thousand five hundred dollars until January 1, 2010, and a  
8 retail value of more than ten thousand five hundred dollars increased by  
9 five hundred dollars every five years thereafter or (ii) in the case of  
10 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value  
11 of more than one thousand seven hundred fifty dollars until January 1,  
12 2010, and a retail value of more than one thousand seven hundred fifty  
13 dollars increased by two hundred fifty dollars every five years  
14 thereafter;

15 (4) Manufacturer buyback means the designation of a vehicle with an  
16 alleged nonconformity when the vehicle (a) has been replaced by a  
17 manufacturer or (b) has been repurchased by a manufacturer as the result  
18 of court judgment, arbitration, or any voluntary agreement entered into  
19 between the manufacturer or its agent and a consumer;

20 (5) Previously salvaged ~~or rebuilt~~ ~~each mean~~ ~~means~~ the designation  
21 of a rebuilt ~~or reconstructed~~ vehicle which was previously required to be  
22 issued a salvage branded certificate of title and which has been  
23 inspected as provided in section 60-146;

24 (6) Retail value means the actual cash value, fair market value, or  
25 retail value of a vehicle as (a) set forth in a current edition of any

26 nationally recognized compilation, including automated data bases, of  
 27 retail values or (b) determined pursuant to a market survey of comparable  
 28 vehicles with respect to condition and equipment; and  
 29 (7) Salvage means the designation of a vehicle which is:  
 30 (a) A late model vehicle which has been wrecked, damaged, or  
 31 destroyed to the extent that the estimated total cost of repair to  
 1 rebuild or reconstruct the vehicle to its condition immediately before it  
 2 was wrecked, damaged, or destroyed and to restore the vehicle to a  
 3 condition for legal operation, meets or exceeds seventy-five percent of  
 4 the retail value of the vehicle at the time it was wrecked, damaged, or  
 5 destroyed; or  
 6 (b) Voluntarily designated by the owner of the vehicle as a salvage  
 7 vehicle by obtaining a salvage branded certificate of title, without  
 8 respect to the damage to, age of, or value of the vehicle.

(Signed) Curt Friesen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 348.** Placed on General File.

**LEGISLATIVE BILL 405.** Placed on General File.

**LEGISLATIVE BILL 130.** Placed on General File with amendment.

AM298

1 1. On page 4, line 2, strike "exceed" and insert "meet"; and in line  
 2 10 strike "or exceed".  
 3 2. On page 10, strike beginning with "engineer" in line 21 through  
 4 "Registration" in line 22 and insert "architect or professional engineer  
 5 licensed under the Engineers and Architects Regulation".

**LEGISLATIVE BILL 409.** Placed on General File with amendment.

AM221

1 1. On page 2, lines 3 through 11, strike the new matter and insert  
 2 "(a) For purposes of construction relating to ambulatory surgical  
 3 centers, critical access hospitals, general acute hospitals, and  
 4 hospitals, the Legislature adopts the 2018 Guidelines for Design and  
 5 Construction of Hospitals, the 2018 Guidelines for Design and  
 6 Construction of Outpatient Facilities, and the 2018 Guidelines for Design  
 7 and Construction of Residential Health, Care, and Support Facilities  
 8 published by the Facility Guidelines Institute.  
 9 (b) For new construction of assisted-living facilities, long-term  
 10 care hospitals, nursing facilities, and skilled nursing facilities on or  
 11 after the effective date of this act, the Legislature adopts the 2018  
 12 Guidelines for Design and Construction of Hospitals, the 2018 Guidelines  
 13 for Design and Construction of Outpatient Facilities, and the 2018  
 14 Guidelines for Design and Construction of Residential Health, Care, and  
 15 Support Facilities published by the Facility Guidelines Institute, except  
 16 that the Legislature adopts only the definition of new construction found  
 17 in section 1.1-2.1 and excludes the part of the definition found in

18 sections 1.1-2.2 and 1.1-2.3 and any related provisions of such  
19 guidelines.".

(Signed) Justin Wayne, Chairperson

Natural Resources

**LEGISLATIVE BILL 287.** Placed on General File with amendment.  
AM386

1 1. On page 10, lines 22 and 23, reinstate the stricken matter and  
2 strike the new matter.

(Signed) Dan Hughes, Chairperson

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

Senator Wayne filed the following amendment to LB160:  
AM411

(Amendments to E&R amendments, ER 35)

1 1. On page 2, line 16, strike "of recognized quality".

**GENERAL FILE**

**LEGISLATIVE BILL 399.** The Chambers amendment, FA12, found on  
page 545 and considered in this day's Journal, to the committee amendment,  
was renewed.

**SENATOR HILGERS PRESIDING**

**SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with  
15 ayes, 4 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 35:

Albrecht	Cavanaugh	Geist	Hughes	McDonnell
Arch	Clements	Groene	La Grone	Moser
Bolz	Crawford	Halloran	Lathrop	Murman
Bostelman	DeBoer	Hansen, B.	Lindstrom	Quick
Brandt	Dorn	Hilgers	Linehan	Scheer
Brewer	Erdman	Hilkemann	Lowe	Slama
Briese	Friesen	Howard	McCollister	Stinner

Present and not voting, 7:

Hansen, M.	Morfeld	Vargas	Wishart
Hunt	Pansing Brooks	Wayne	

Excused and not voting, 6:

Blood	Kolowski	Walz
Gragert	Kolterman	Williams

The Chambers amendment lost with 1 aye, 35 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

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

Enrollment and Review

**LEGISLATIVE BILL 8.** Placed on Select File.

**LEGISLATIVE BILL 156.** Placed on Select File with amendment.  
ER36 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 71.** Placed on Final Reading.

**LEGISLATIVE BILL 122.** Placed on Final Reading.

**LEGISLATIVE BILL 301.** Placed on Final Reading.

ST6

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lowe amendment, AM165, on page 1, line 6, the second comma has been struck and an underscored colon inserted; in lines 6 and 14 "No." has been inserted after "Program"; in line 15 an underscored comma has been inserted after "Program"; and in line 16 "classifications" has been struck and "classification" inserted.

**LEGISLATIVE BILL 306.** Placed on Final Reading.

**LEGISLATIVE BILL 359.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 1CA.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 463.** Placed on General File.**LEGISLATIVE BILL 13.** Placed on General File with amendment.

AM147

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 28-806, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 28-806 (1) A person, eighteen years of age or over, commits public  
 6 indecency if such person performs or procures, or assists any other  
 7 person to perform, in a public place and where the conduct may reasonably  
 8 be expected to be viewed by members of the public:  
 9 (a) An act of sexual penetration; or  
 10 (b) An exposure of the genitals of the body done with intent to  
 11 affront or alarm any person; or  
 12 (c) A lewd fondling or caressing of the body of another person of  
 13 the same or opposite sex.  
 14 (2) Public indecency is a Class II misdemeanor.  
 15 (3) It shall not be a violation of this section for an individual to  
 16 breast-feed a child in a public place.  
 17 Sec. 2. Original section 28-806, Reissue Revised Statutes of  
 18 Nebraska, is repealed.

**LEGISLATIVE BILL 222.** Placed on General File with amendment.

AM424

1 1. On page 3, line 19, after the period insert "The certification  
 2 administrator shall also send a copy of such certified list to the  
 3 governing body of the county, city, village, or rural or suburban fire  
 4 protection district. Such copy may be sent electronically or by mail.".

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 399.** Senator Moser offered the following amendment to the committee amendment:

FA14

Amend AM286

On page 1, in line 23, after "since" strike "youth is the time" and insert "young" and on page 2, in line 18 strike "adequately".

**SENATOR HILKEMANN PRESIDING**

Senator Chambers offered the following motion:

MO13

Bracket until June 6, 2019.

Pending.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 26.** Introduced by Erdman, 47.

WHEREAS, Jaclund "Jack" D. Mills was born to Dale and Fern Mills on August 22, 1937, in Holdrege; and

WHEREAS, Jack graduated from Superior High School, attended Kearney State College and the University of Nebraska, and earned a degree in Business Administration from Bellevue University; and

WHEREAS, Jack was an entrepreneur in the grain, fertilizer, and cattle business in Big Springs and a farmer and rancher in Deuel and Garden Counties; and

WHEREAS, Jack served his community as a member of the local Educational Service Unit board, the Big Springs School Board, and the local library board; and

WHEREAS, Jack was elected to the Nebraska Legislature in 1974, served District 44 until 1978 with dignity and integrity, and played a key role in landmark groundwater legislation; and

WHEREAS, Jack worked for twenty-two years as the executive director of the Nebraska Association of County Officials and will be remembered for his pioneering work on the formation of intergovernmental risk pools that have saved the counties and taxpayers millions of dollars; and

WHEREAS, in retirement, Jack served on the boards of directors for Blue Cross Blue Shield, where he earned the title of Chairman of the Board Emeritus, Prime Therapeutics, and the Spinal Research Foundation, and as president of the Villas at Island Club Condominium Association; and

WHEREAS, Jack served his community as a Shriner, a Mason, a member of the Scottish Rite and decorated as Knight Commander of the Court of Honour, and a member of St. Mark's United Methodist Church where he served on the Finance Committee; and

WHEREAS, Jack and his wife Norma raised four children and welcomed eleven grandchildren; and

WHEREAS, Jack, with his wife Norma by his side, spent a lifetime representing Nebraska honorably, competently, and diplomatically and will be remembered as a true statesman; and

WHEREAS, Jack Mills passed away February 14, 2019, at the age of 81.

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

1. That the Legislature honors the life and service of Jaclund "Jack" D. Mills.
2. That the Legislature extends deepest sympathy to the family of Jack Mills.
3. That a copy of this resolution be sent to the family of Jack Mills.

Laid over.

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

Senator Groene filed the following amendment to LB160:  
AM407

(Amendments to E&R amendments, ER 35)

- 1 1. On page 2, strike beginning with "For" in line 12 through line
- 2 20.

Senator Crawford filed the following amendment to LB124:  
AM405

(Amendments to Standing Committee amendments, AM199)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Adams, Greg - Nebraska Educational Telecommunications Commission -  
Education  
Allen, Robert E. - Nebraska Game and Parks Commission - Natural  
Resources  
Arp, Don, Jr. - Director, Nebraska Crime Commission - Judiciary  
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor  
Chaney, John - Board of Trustees of the Nebraska State Colleges -  
Education  
Engles, Robert - Board of Trustees of the Nebraska State Colleges -  
Education  
Hoggatt, John M. - Nebraska Game and Parks Commission - Natural  
Resources  
Hollman, Scott - Boiler Safety Code Advisory Board - Business and Labor  
Jensen, Jeremy - State Fair Board - Agriculture  
Kircher, Patricia - Nebraska Educational Telecommunications Commission  
- Education  
Phipps, Thomas - Boiler Safety Code Advisory Board - Business and Labor  
Reida, Frank - Nebraska Power Review Board - Natural Resources  
Turman, Paul - Nebraska Educational Telecommunications Commission -  
Education

(Signed) Mike Hilgers, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 616.** Placed on General File with amendment.  
AM442

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

2 sections:

3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 39-1349 (1) Except as provided in subsections ~~(5)~~ ~~(3)~~ and ~~(6)~~ ~~(4)~~ of  
6 this section, all contracts for the construction, reconstruction,  
7 improvement, maintenance, or repair of state highway system roads and  
8 bridges and their appurtenances shall be let by the department to the  
9 lowest responsible bidder. Bidders on such contracts must be prequalified  
10 to bid by the department except as provided in subsection (2) of section  
11 39-1351. The department may reject any or all bids and cause the work to  
12 be done as may be directed by the department.

13 ~~(2)~~ Except as provided in subsection (3) of this section, if ~~If~~ the  
14 contractor has furnished the department all required records and reports,  
15 the department shall pay to the contractor interest at a rate three  
16 percentage points above the average annual Federal Reserve composite  
17 prime lending rate for the previous calendar year rounded to the nearest  
18 one-tenth of one percent on the amount retained and on the final payment  
19 due the contractor beginning sixty days after the work under the contract  
20 has been completed as evidenced by the completion date established in the  
21 department's letter of tentative acceptance or, when tentative acceptance  
22 has not been issued, beginning sixty days after completion of the work  
23 and running until the date when payment is tendered to the contractor.

24 ~~(3)~~ Subsection (2) of this section shall not apply to contracts  
25 which provide for payment pursuant to a set schedule over a period of  
26 time that extends beyond the completion of construction.

27 ~~(4)~~ ~~(2)~~ When the department is required by acts of Congress and  
1 rules and regulations made by an agent of the United States in pursuance  
2 of such acts to predetermine minimum wages to be paid laborers and  
3 mechanics employed on highway construction, the Director-State Engineer  
4 shall cause minimum rates of wages for such laborers and mechanics to be  
5 predetermined and set forth in contracts for such construction. The  
6 minimum rates shall be the scale of wages which the Director-State  
7 Engineer finds are paid and maintained by at least fifty percent of the  
8 contractors in performing highway work contracted with the department  
9 unless the Director-State Engineer further finds that such scale of wages  
10 so determined would unnecessarily increase the cost of such highway work  
11 to the state, in which event he or she shall reduce such determination to  
12 such scale of wages as he or she finds is required to avoid such  
13 unnecessary increase in the cost of such highway work.

14 ~~(5)~~ ~~(3)~~ The department, in its sole discretion, may permit a city or  
15 county to let state or federally funded contracts for the construction,  
16 reconstruction, improvement, maintenance, or repair of state highways,  
17 bridges, and their appurtenances located within the jurisdictional  
18 boundaries of such city or county, to the lowest responsible bidder when  
19 the work to be let is primarily local in nature and the department  
20 determines that it is in the public interest that the contract be let by  
21 the city or the county. Bidders on such contracts must be prequalified to  
22 bid by the department except as provided in subsection (2) of section  
23 39-1351.

24 ~~(6)~~ (4) The department, in its sole discretion, may permit a federal  
 25 agency to let contracts for the construction, reconstruction,  
 26 improvement, maintenance, or repair of state highways, bridges, and their  
 27 appurtenances and may permit such federal agency to perform any and all  
 28 other aspects of the project to which such contract relates, including,  
 29 but not limited to, preliminary engineering, environmental clearance,  
 30 final design, and construction engineering, when the department  
 31 determines that it is in the public interest to do so. Bidders on such  
 1 contracts must be prequalified to bid by the department except as  
 2 provided in subsection (2) of section 39-1351.

3 Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:

5 81-1701 The purpose of the Nebraska Consultants' Competitive  
 6 Negotiation Act is to provide managerial control over competitive  
 7 negotiations by the state for acquisition of professional architectural,  
 8 engineering, landscape architecture, or land surveying services. The act  
 9 does not apply to (1) contracts under section 57-1503, (2) contracts  
 10 under subsection ~~(6)~~ (4) of section 39-1349, (3) contracts under sections  
 11 39-2808 to 39-2823 except as provided in section 39-2810, or (4)  
 12 contracts under the State Park System Construction Alternatives Act  
 13 except as provided in section 37-1719.

14 Sec. 3. Original section 39-1349, Reissue Revised Statutes of  
 15 Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement,  
 16 2018, are repealed.

(Signed) Curt Friesen, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 399.** The Chambers motion, MO13, found in this  
 day's Journal, to bracket until June 6, 2019, was renewed.

Pending.

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

Senator Chambers filed the following amendment to LB399:

FA15

Amend AM286

1. Page 5, line 17, 18, strike and show as stricken: "George Washington's birthday" and insert, "the birthday of George Washington who was a slaveholder".
2. Page 5, lines 18, 19, strike and show as stricken "Dr. Martin Luther King, Jr.'s birthday" and insert, "the birthday of Dr. Martin Luther King, Jr. who was awarded the Nobel Peace Prize for his work to achieve social justice".

Senator Hunt filed the following amendment to LB399:

AM443

(Amendments to Standing Committee amendments, AM286)

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

2 insert the following new sections:

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-724 A central role of schools is to impart civic knowledge and  
 6 skills to emphasize the value of a civic education An informed, loyal,  
 7 just, and patriotic citizenry is necessary to a strong, stable, just, and  
 8 prosperous America. Such a citizenry necessitates that every member  
 9 thereof be fully acquainted with the nation's history and that he or she  
 10 be in full accord with our form of government and fully aware of the  
 11 liberties, opportunities, and advantages of which we are possessed and  
 12 the sacrifices and struggles of those through whose efforts these  
 13 benefits were gained. Since youth is the time most susceptible to the  
 14 acceptance of principles and doctrines that will influence men and women  
 15 throughout their lives, it is one of the first duties of our educational  
 16 system to conduct its activities, choose its textbooks, and arrange its  
 17 curriculum in such a way that the love of liberty, justice, democracy,  
 18 and America will be instilled in the hearts and minds of the youth of the  
 19 state.

20 (1) The Every school board of each school district shall, at the  
 21 beginning of each calendar school year, appoint from its members a  
 22 committee of three, to be known as the committee on American civics  
 23 Americanism. The committee on American civics Americanism shall:

24 (a) Hold no fewer than two public meetings annually, at least one  
 25 where public testimony is accepted;

26 (b) Keep minutes of each meeting showing the time and place of the  
 1 meeting, which members were present or absent, and the substance and  
 2 details of all matters discussed;

3 (c) Carefully examine and ensure that the social studies curriculum  
 4 used in the district is aligned to the social studies standards adopted  
 5 pursuant to section 79-760.01 and teaches foundational knowledge in  
 6 civics, history, economics, financial literacy, and geography;

7 (d) Ensure that any curriculum recommended or approved by the  
 8 committee on American civics is made readily accessible to the public and  
 9 contains a reference to this section;

10 (e) Ensure that the district develops and utilizes formative,  
 11 interim, and summative assessments to measure student mastery of the  
 12 social studies standards adopted pursuant to section 79-760.01;

13 (f) Ensure that the social studies curriculum in the district  
 14 incorporates one or more of the following for each student:

15 (i) Administration of a written test that is identical to the entire  
 16 civics portion of the naturalization test used by United States  
 17 Citizenship and Immigration Services prior to the completion of eighth  
 18 grade and again prior to the completion of twelfth grade with the  
 19 individual score from each test for each student made available to a  
 20 parent or guardian of such student; or

21 (ii) Attendance or participation between the commencement of eighth  
 22 grade and the completion of twelfth grade in a meeting of a public body  
 23 as defined by section 84-1409 followed by the completion of a project or  
 24 paper in which each student demonstrates or discusses the personal  
 25 learning experience of such student related to such attendance or  
 26 participation; or  
 27 (iii) Completion of a project or paper and a class presentation  
 28 between the commencement of eighth grade and the completion of twelfth  
 29 grade concerning a person or persons or an event commemorated by a  
 30 national or state holiday or on a topic related to such person or persons  
 31 or event; and  
 1 (a) Carefully examine, inspect, and approve all textbooks used in  
 2 the teaching of American history and civil government in the school. Such  
 3 textbooks shall adequately stress the services of the men and women who  
 4 achieved our national independence, established our constitutional  
 5 government, and preserved our union and shall be so written to include  
 6 contributions by ethnic groups as to develop a pride and respect for our  
 7 institutions and not be a mere recital of events and dates;  
 8 (b) Assure themselves as to the character of all teachers employed  
 9 and their knowledge and acceptance of the American form of government;  
 10 and  
 11 (g) Assure (e) Take all such other steps as will assure the carrying  
 12 out of the provisions of this section and provide a report to the school  
 13 board regarding the committee's findings and recommendations.  
 14 (2) All American history courses approved for grade levels as  
 15 provided by this section shall include and adequately stress  
 16 contributions of all ethnic groups (a) to the development and growth of  
 17 America into a great nation, (b) to art, music, education, medicine,  
 18 literature, science, politics, and government, and (c) to the war  
 19 services in all wars of this nation.  
 20 (2) (3) All grades of all public, private, denominational, and  
 21 parochial schools, below the sixth grade, shall devote at least one hour  
 22 per week to exercises or teaching periods for the discussion following  
 23 purpose: (a) The recital of stories having to do with American history or  
 24 the deeds and exploits of American heroes; (b) The singing of patriotic  
 25 songs and the insistence that every pupil memorize the Star Spangled  
 26 Banner and America; and (c) The development of reverence for the flag and  
 27 instruction as to proper conduct in its presentation.  
 28 (3) (4) In at least two of the three grades from the fifth grade to  
 29 the eighth grade in all public, private, denominational, and parochial  
 30 schools, time at least three periods per week shall be set aside for to  
 31 be devoted to the teaching of American history from the social studies  
 1 standards adopted pursuant to section 79-760.01 approved textbooks,  
 2 taught in such a way as to make the course interesting and attractive and  
 3 to develop a love of country.  
 4 (4) (5) In at least two courses in grades of every high school, time  
 5 at least three periods per week shall be devoted to the teaching of  
 6 civics and American history as outlined in the social studies standards  
 7 adopted pursuant to section 79-760.01, during which courses specific

8 attention shall be given to the following matters:

9 (a) ~~The Declaration of Independence, the United States Constitution,~~  
10 ~~and the Constitution of Nebraska, and the structure and function of local~~  
11 ~~government in this state;~~

12 (b) ~~The rights and responsibilities of citizenship in our~~  
13 ~~government; benefits and advantages of our form of government and the~~  
14 ~~dangers and fallacies of Nazism, Communism, and similar ideologies; and~~

15 (c) The duties of citizenship, including active participation in the  
16 improvement of a citizen's community, state, country, and world and the  
17 value and practice of civil discourse between opposing interests; and -

18 (d) ~~The application of civics, history, economics, financial~~  
19 ~~literacy, and geography to address societal issues.~~

20 (5) ~~(6) Appropriate patriotic exercises suitable to the occasion may~~  
21 ~~shall be held under the direction of the superintendent in every public,~~  
22 ~~private, denominational, and parochial school on national and state~~  
23 ~~holidays Lincoln's birthday, Washington's birthday, Flag Day, Memorial~~  
24 ~~Day, and Veterans Day, or on the day preceding or following such holiday,~~  
25 ~~if the school is in session.~~

26 (7) ~~Every school board, the State Board of Education, and the~~  
27 ~~superintendent of each school district in the state shall be held~~  
28 ~~directly responsible in the order named for carrying out this section,~~  
29 ~~and neglect thereof by any employee or appointed official shall be~~  
30 ~~considered a dereliction of duty and cause for dismissal.~~

31 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 79-727 The State Board of Education shall adopt and promulgate  
3 rules and regulations to carry out the provisions of sections 79-724  
4 through 79-727. The State Department of Education shall ensure that all  
5 requirements of such sections and such rules and regulations are carried  
6 out by each school district. Any person violating the provisions of  
7 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.

8 Sec. 3. Section 79-760.01, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 79-760.01 The State Board of Education shall adopt measurable  
11 academic content standards for at least the grade levels required for  
12 statewide assessment pursuant to section 79-760.03 and the teaching of  
13 civics and American history pursuant to section 79-724. The standards  
14 shall cover the subject areas of reading, writing, mathematics, science,  
15 and social studies. The standards adopted shall be sufficiently clear and  
16 measurable to be used for testing student performance with respect to  
17 mastery of the content described in the state standards. The State Board  
18 of Education shall develop a plan to review and update standards for each  
19 subject area every seven years. The state board plan shall include a  
20 review of commonly accepted standards adopted by school districts.

21 Sec. 4. Original sections 79-724 and 79-727, Reissue Revised  
22 Statutes of Nebraska, and section 79-760.01, Revised Statutes Cumulative  
23 Supplement, 2018, are repealed.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, March 5, 2019 1:30 p.m.

LB432  
LB671  
LB674  
LB534

(Signed) Mike Groene, Chairperson

Appropriations

Room 1524

Monday, March 4, 2019 1:30 p.m.

LB425  
LB552  
LB562  
Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 284.** Placed on General File with amendment.  
AM392 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 191.** Placed on General File.**LEGISLATIVE BILL 239.** Placed on General File.**LEGISLATIVE BILL 30.** Placed on General File with amendment.  
AM302 is available in the Bill Room.**LEGISLATIVE BILL 212.** Placed on General File with amendment.  
AM380 is available in the Bill Room.**LEGISLATIVE BILL 381.** Placed on General File with amendment.  
AM2071 1. On page 105, strike line 10 and insert "per diem rates of the

2 federal General Services Administration for travel within the contiguous  
3 United States, the United States Department of Defense for travel within  
4 Alaska, Hawaii, or a United States territory or possession, and the  
5 United States Department of State for foreign travel, as determined by".

(Signed) Tom Brewer, Chairperson

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

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

Senator Wayne name added to LB174.

Senator Groene name added to LB439.

**VISITOR(S)**

Visitors to the Chamber were students from St. Joseph Catholic School, Lincoln; members of the UNMC Student Delegates from across the state; and Senator Crawford's son, Phil Crawford, from Bellevue and William Hayes from Salina, KS.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 26, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 26, 2019

**PRAYER**

The prayer was offered by Pastor Paul Moessner, Immanuel Lutheran Church, Bellevue.

**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 Bostelman, Cavanaugh, Howard, Vargas, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**ATTORNEY GENERAL'S OPINION**Opinion 19-003

SUBJECT: LB 420 – Constitutionality of "Circuit Breaker"  
Providing Refundable Income Tax Credit

REQUESTED BY: Senator Kate Bolz  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

**INTRODUCTION**

You have requested an opinion from this office on the constitutionality of LB 420, known as the Property Tax Circuit Breaker Act. In general terms, this bill would provide a refundable income tax credit for certain qualified

taxpayers if the taxpayer's property taxes or rent exceed a certain percentage of the taxpayer's income.

LB 420, § 3(3) defines a "qualifying agricultural taxpayer" as "an individual who owns agricultural land and horticultural land that is located in this state and that has been used as part of a farming operation which has federal adjusted gross income of less than three hundred fifty thousand dollars in the most recently completed taxable year."<sup>1</sup> Section 4(2) then provides that an agricultural taxpayer, who qualifies for an income tax credit under the Act, will receive "a tax credit in an amount equal to the amount of property taxes paid on the agricultural land and horticultural land during the most recently completed taxable year minus seven percent of that taxpayer's federal adjusted gross income." Section 4(5) provides that only one tax credit may be claimed under this section per parcel of agricultural or horticultural land.<sup>2</sup>

LB 420, § 3(4) defines a "qualifying residential taxpayer" as "an individual who owns or rents his or her principal residence in the State of Nebraska and who has federal adjusted gross income of less than one hundred thousand dollars for a married filing jointly taxpayer or fifty thousand dollars for any other taxpayer." Section 5 provides that a residential taxpayer, who paid property taxes on his or her principal residence and who qualifies for an income tax credit under the act, will be eligible for an income tax credit equal to the "amount by which the total amount of property taxes paid on the principal residence exceeds the sum of the amounts calculated in subdivision (3)(b)" of § 5. These amounts are based on specified percentages of the taxpayer's federal adjusted gross income. A residential taxpayer, who paid rent for his or her principal residence and who qualifies for an income tax credit under the act, will be eligible for an income tax credit equal to the "amount by which twenty percent of the total amount of rent paid exceeds the sum of the amounts calculated in subdivision (4)(b)" of § 5. These amounts are again based on specified percentages of the taxpayer's federal adjusted gross income. Subdivision (5) of § 5 also includes maximum income credits or credit caps allowed to qualifying residential taxpayers. Finally, § 5(11) provides that only one tax credit may be claimed under this section per residence.

Your letter states "[B]ecause a circuit breaker affords tax relief to individuals according to income level, we are asking for an Attorney General's opinion as to whether such a policy is in conflict with the

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<sup>1</sup> The bill defines both qualifying agricultural taxpayers and qualifying residential taxpayers as "individuals." As the owners of agricultural and residential properties might be a partnership, corporation, trust or other legal entity, you may wish to use a different term such as "person" to include those other entities.

<sup>2</sup> LB 420 does not address how to treat a situation in which otherwise eligible multiple owners or renters wish to claim the income tax credits.

Nebraska Constitution." Your request does not articulate a specific constitutional provision which LB 420 may contravene. We have previously stated that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 09008 (April 16, 2008). Therefore, our analysis will discuss generally provisions of our state constitution regarding commutation of taxes, equal protection, special legislation, the uniformity clause and the commerce clause.

## ANALYSIS

### A. Commutation of Taxes.

As a preliminary matter, we note that "[S]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." *Gourley v. Nebraska Methodist Health System, Inc.*, 265 Neb. 918, 942, 663 N.W.2d 43, 68 (2003). If LB 420 is enacted, anyone seeking to have its provisions declared unconstitutional will bear the burden of overcoming the presumption of constitutionality.

Nebraska's "commutation clause" is found at Neb. Const. art. VIII, § 4, which provides, in part:

Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever . . . .

This office has previously addressed the commutation clause with regard to the constitutionality of refundable income tax credits. In Op. Att'y Gen. No. 18001 (March 21, 2018), we analyzed the constitutionality of two bills which would provide a refundable income tax credit based on a percentage of property taxes paid during the taxable year. As the commutation clause was discussed at length in that recent opinion, we will summarize that discussion here.

The Nebraska Supreme Court has held that the commutation clause "prevents the Legislature from releasing either persons or property from contributing a proportionate share of the tax." *Sarpy County Farm Bureau v. Learning Community of Douglas and Sarpy Cty.*, 283 Neb. 212, 244, 808 N.W.2d 598, 621 (2012). The Court has also held that an act which allowed delinquent property taxes to be paid in installments violated the commutation clause, stating that "the legislature not only shall have no power to release or discharge any one from the payment of his share of

taxes, but a commutation for taxes in any form whatever is prohibited . . . it is quite apparent that the legislature is prohibited by the Constitution from changing the method of payment of any tax once levied." *Steinacher v. Swanson*, 131 Neb. 439, 446, 268 N.W. 317, 321 (1936).

More recently, the Court considered whether the prohibition against the commutation of taxes applied to taxes other than property taxes, and held the constitutional prohibition did not apply to an excise tax. *Banks v. Heineman*, 286 Neb. 390, 837 N.W.2d 70 (2013). Therefore, in Op. Att'y Gen. No. 18001 at 4, with regard to the two bills discussed therein, we concluded as follows:

The income tax credits allowed under LB 829 and LB 947 do not, at least directly, fall within the meaning of "commutation" as defined by the Nebraska Supreme Court. The income tax credits, while determined on the basis of a percentage of property taxes paid, do not alter or change the amount of property taxes paid, nor do they substitute one form of payment of property taxes for another. Further, while the income tax is not an "excise" tax, a form of taxation the Court has specifically recognized is not subject to the commutation restriction, it is not a property tax within the meaning of art. VIII, § 1, and thus is not a tax subject to the prohibition against the "commutation" of taxes in art. VIII, § 4.

Qualification for the refundable income tax credits proposed in LB 420 depends on both the taxpayer's income and the amount of property taxes paid. LB 420, if enacted, would not change the amount of property taxes paid to local authorities. For the reasons discussed more fully in that prior opinion, we reach the same conclusion that the income tax credits allowed under LB 420 do not directly fall within the meaning of commutation as defined by the Court and would likely be found constitutional. However, we also point out, as we did in footnote 2 of Op. Att'y Gen. No. 18001, that "it is possible a court could view the allowance of an income tax credit based on property taxes paid as an indirect attempt to impermissibly commute property taxes in contravention of art. VIII, § 4 . . . ."

#### **B. Equal Protection.**

As your request letter refers to affording tax relief to individuals "according to income level," we include a discussion of equal protection principles with regard to different treatment of taxpayers based on different income levels. The Nebraska Supreme Court has stated that the equal protection clause of Neb. Const. art. I, § 3, and that of the Fourteenth Amendment of the United States Constitution, "have identical requirements for equal protection challenges." *DeCoste v. City of Wahoo*, 255 Neb. 266, 274, 583 N.W.2d 595, 601 (1998). Unless a "fundamental right" or "suspect classification" is involved, the equal protection clause generally allows government to make distinctions among groups and to treat different groups differently so long as there is a "rational basis" serving a legitimate

governmental purpose for such differing treatment. *Le v. Laurrup*, 271 Neb. 931, 716 N.W.2d 713 (2006). Stated another way, the equal protection provisions of the state and federal constitutions generally prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated.

Specifically with regard to state tax classifications or schemes, "the States have large leeway in making classifications and drawing lines which in their judgment produce reasonable systems of taxation." *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 359 (1973). We are not aware of any suspect classification or fundamental rights implicated by LB 420. And, in our view, a rational basis can likely be articulated to justify tax relief for those taxpayers with lower income levels who are most severely affected by property tax increases.

LB 420, § 2 declares the purpose of the Act "is to provide tax relief through a refundable income tax credit for taxpayers with limited income available to pay property taxes." Also, as you state in your request letter, the "circuit breaker [in LB 420] triggers an income tax credit for a taxpayer if property taxes exceed a certain percentage of the individual's income . . . . As income increases, the circuit breaker credit calculation assumes that taxpayers can afford to spend a greater percentage of income on property taxes."

Other jurisdictions have held that providing tax relief to taxpayers according to income level is constitutional. The New Hampshire Supreme Court addressed questions propounded by the state House of Representatives in *Opinion of the Justices*, 111 N.H. 136, 276 A.2d 821 (1971). The court was asked to address the constitutionality of a proposed legislative bill, which, in part, would provide an income tax credit for claimants depending on the amount by which the property taxes or rent accrued on a claimant's homestead exceeded six percent of the claimant's household income. Describing the proposed provision as a system of tax relief for low income taxpayers, the court found that it would not violate any constitutional provision.

The Vermont Supreme Court held that the \$75,000 income ceiling in a Homestead Property Tax Income Sensitivity Adjustment law was constitutional. *Schievella v. Department of Taxes*, 171 Vt. 591, 765 A.2d 479 (2000). This statutory act included a limit on property taxes on homestead property based on income level. Noting that the Vermont constitution's proportional contribution clause imposes the same limits on the state's power to tax as does the equal protection clause of the Fourteenth Amendment of the U.S. Constitution, the court employed a rational basis analysis and stated that "granting tax relief based on the income of taxpayers is not irrational." *Id.* at 593, 765 A.2d at 482.

### C. Special Legislation

There may also be a question whether the provisions of LB 420 establish an unreasonable classification in violation of the prohibition against special legislation in Neb. Const. art. III, § 18. Article III, § 18, provides in relevant part:

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

\*       \*       \*

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever . . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

The test for determining whether legislation is prohibited as special legislation is stricter than the rational basis test employed in an equal protection analysis. The Nebraska Supreme Court has stated that a legislative act can violate art. III, § 18, as special legislation "in one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class." *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 845 (1991). "A special legislation analysis focuses on a legislative body's purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *J. M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489 (2014). "Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference." *Big John's Billiards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014).

As no closed class is implicated by LB 420, the question is the reasonableness of the classifications created, which limit the income tax credits to lower income taxpayers and which limit the income tax credits to residential and agricultural property taxpayers. The language of LB 420, § 2 and your request letter provide some reasons for the difference in treatment according to income level. You have not expressed a legislative purpose in limiting the income tax credits to certain residential and agricultural property taxpayers, while leaving out those business taxpayers who own commercial and industrial property. A court's analysis in a special legislation challenge would focus on the Legislature's purpose in creating a class of taxpayers as expressed in the plain language of the bill or as demonstrated in the legislative record of the bill. While it is possible that there is "a substantial difference of circumstances" that would justify different treatment of the business taxpayers, we must note that a court would employ a more stringent standard when faced with a special legislation challenge.

#### **D. Uniformity Clause.**

Your question about granting tax relief according to income level might also be read to inquire about the application of Neb. Const. art. VIII, § 1. The "uniformity clause" of our state constitution provides that "[T]axes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution."

The Nebraska Supreme Court has held that "further reading of article VII, § 1, makes it clear that only property taxes must be uniform and proportionate." *State v. Galyen*, 221 Neb. 497, 502, 378 N.W.2d 182, 186 (1985). A franchise tax based on or measured by the income of a corporation was not a property tax and could not violate the requirements of uniform and proportionate valuation in Neb. Const. art. VIII, § 1. *Anderson v. Tiemann*, 182 Neb. 393, 403-04, 155 N.W.2d 322, 329 (1967). *See also Banks v. Heineman*, 286 Neb. 390, 837 N.W.2d 70 (2013), in which the Court concluded that the scope of the uniformity clause and the scope of the commutation clause are the same such that neither apply to an excise tax.

While we note that the Nebraska Supreme Court has adopted a strict construction of our state's uniformity clause which may lead to a different result, courts of other jurisdictions have held that basing eligibility for an income tax credit on income level does not violate the uniformity clauses in those states' constitutions. For example, the Wisconsin Court of Appeals determined that a particular state statute, which authorized a farmland preservation credit, but limited eligibility for the tax credit by the amount of the claimant's household income, was constitutional in *McManus v. Wisconsin Dept. of Revenue*, 155 Wis. 2d 450, 455 N.W.2d 906 (1990). The Court explained that the purpose of the farmland preservation credit was "to provide credit to owners of farmland which is subject to agricultural use restrictions through a system of income tax credits and refunds . . ." *Id.* at 456, 455 N.W.2d at 908. The taxpayers receiving the credit paid their property tax bill in full and could then apply for a credit against their income taxes if their income did not exceed a threshold amount. The Court held that the law was a relief statute and, therefore, not subject to the uniformity clause of the Wisconsin state constitution. *See also Baker v. Matheson*, 607 P.2d 233 (Utah 1979) in which the Utah Supreme Court held that a legislative act which allowed homeowners and renters to file claims for refunds of state general fund revenue violated neither the state constitution's uniformity clause nor the equal protection clause.

#### **E. Commerce Clause.**

This office has twice in the past year addressed whether legislation proposing an income tax credit based on a percentage of property taxes paid violated the Commerce Clause. Op. Att'y Gen. No. 18001 (March 21, 2018) and Op. Att'y Gen. No. 18004 (September 28, 2018). A portion of our

discussion of Commerce Clause principles relevant to analyzing the constitutionality of such legislation was as follows:

The Commerce Clause authorizes Congress to "regulate Commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles in commerce." *Oregon Waste Systems, Inc. v. Dep't of Environmental Quality*, 511 U.S. 93, 98 (1994). This "negative command, known as the dormant Commerce Clause, prohibit[s] certain state taxation even when Congress has failed to legislate on the subject." *Oklahoma Tax Comm'n v. Jefferson Lines, Inc.*, 513 U.S. 175, 179 (1995) . . . . "[T]he first step in analyzing any law subject to judicial scrutiny under the negative Commerce Clause is to determine whether it 'regulates evenhandedly with only "incidental" effects on interstate commerce, or discriminates against interstate commerce.'" *Oregon Waste Systems, Inc.*, 511 U.S. at 99 (quoting *Hughes v. Oklahoma*, 441 U.S. 322, 336 (1979)) . . . . In assessing if a state tax impermissibly discriminates against interstate commerce, a court must consider not only the tax, but also any credits, exemptions, or exclusions.

Op. Att'y Gen. No. 18001 at 5-6.

Under LB 420, a refundable income tax credit may be available to both qualifying agricultural taxpayers and qualifying residential taxpayers. We will address separately those two classes of taxpayers in our discussion of the Commerce Clause. First, a "qualifying agricultural taxpayer" is defined at LB 420, § 3(3) as "an individual who owns agricultural land and horticultural land that is located in this state and that has been used as part of a farming operation which has federal adjusted gross income of less than three hundred fifty thousand dollars . . . ." This language makes no distinction based on residency. As we noted in both of the 2018 opinions cited above, taxpayers subject to Nebraska income tax can include both resident and nonresident individuals and entities. Resident individuals are taxed on their "entire net income," while nonresident individuals are taxed on income "derived from sources within" Nebraska. *See* Neb. Rev. Stat. § 77-2715(1) (Cum. Supp. 2016).

The language of LB 420 pertaining to qualifying agricultural taxpayers refers to taxpayers who own agricultural land in Nebraska, pay property taxes on that land, and engage in a farming operation which includes the use of that land. As was the case with LB 829, which we discussed in Op. Att'y Gen. No. 18001, the bill does not discriminate on its face against nonresidents subject to Nebraska income tax. To the extent that eligibility for the income tax credit is based on paying property taxes on real property in Nebraska and not the residency of the taxpayer, arguably there would be

no potential for improper discrimination against nonresidents who qualify for the "agricultural taxpayer" provisions of LB 420.

Looking at the effects of LB 420 on interstate commerce, and particularly on nonresidents, the question is whether it would negatively impact nonresidents who do not have income sourced to Nebraska and are thus not subject to income tax. They would receive no income tax credit despite paying property taxes in the state. If all taxpayers applying for the income tax credit are subject to Nebraska income tax due to being engaged in a farming operation in Nebraska, then both residents and nonresidents would be able to claim the income tax credit. However, if certain nonresident taxpayers who are eligible for the income tax credit are not subject to Nebraska income tax, as we recommended in Op. Att'y Gen. No. 18001 at 6, "a mechanism should be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax."

Turning to the provisions of LB 420 pertaining to "residential taxpayers", LB 420, § 3(4) defines a "qualifying residential taxpayer" as "an individual who owns or rents his or her principal residence in the State of Nebraska and who has federal adjusted gross income of less than one hundred thousand dollars for a married filing jointly taxpayer or fifty thousand dollars for any other taxpayer." This language might be said to implicate the Commerce Clause as it limits eligibility for the income tax credit to those taxpayers who own or rent their principal residence in the state. Section 5(2) then provides that the qualifying residential taxpayer must have "resided at the property described in the qualifying residential taxpayer's application for at least six months of the most recently completed taxable year . . . ."

In Op. Att'y Gen. No. 18001 at 7 we discussed a proposed homestead credit that would allow an income tax credit to residents who own a homestead, the term "homestead" generally meaning a residence occupied by an owner from January 1 through August 15 in each year. Neb. Rev. Stat. § 77-3502 (2009). In that opinion we cited three cases from other jurisdictions in which those courts reasoned that a homestead exemption based on ownership and use of the property as a permanent or primary residence, as opposed to the status of the owner as a resident or nonresident, does not violate the Commerce Clause. *See*, for example, *Reinish v. Clark*, 765 So. 2d 197 (Fla. Dist. Ct. App. 2000), in which the court found that a homestead exemption furthered a legitimate governmental purpose, the protection of the primary permanent home. "Like an exemption, an income tax credit based on status as an owner of a homestead, as opposed to resident or nonresident status, would not result in discriminatory treatment which would violate the Commerce Clause." Op. Att'y Gen. No. 18001 at 8.

We cited *Baker v. Matheson*, 607 P.2d 233 (Utah 1979), in section D., above, for its discussion of equal protection principles and the Utah state constitution's uniformity clause. We note here that the Utah Supreme Court, in *Baker v. Matheson*, also discussed whether the Utah law allowing certain homeowners and renters to file claims for refunds of state general fund

revenue, discriminated against nonresidents so as to violate the privileges and immunities clause of the U.S. Const., art. IV, § 2. That clause provides, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

The statutes at issue in *Baker v. Matheson* permitted the "owner of a dwelling" to receive payment based on a percentage of the property taxes paid and the "renter of a dwelling comprising a household" to receive payment based on a percentage of the rent paid during the prior year. A "dwelling" meant the "primary residence" of that owner or renter. The Act also required the eligible owners and renters to be a state resident for one year. Yet, the Court found no impermissible discrimination against nonresidents. "However, that requirement is based in part on the necessity of establishing a class of persons who, because of their residency in the State, have experienced the full impact of the evils with which the Legislature was attempting to cope. It was not aimed at excluding citizens of other states from the benefits of the Act." *Id.* at 247.

Similarly, an argument can be made that the income tax credit allowed to residential taxpayers under LB 420 is based on the ownership and occupancy of the property as a primary residence rather than the status of the owner or renter as a resident or nonresident. However, to the extent that an argument might also be made that the language of LB 420 specifically refers to "residential" taxpayers and bases eligibility to claim the credit on residency, demonstrating an intent to discriminate against nonresidents, you may wish to amend the bill to more specifically provide that the credit be based on ownership and occupancy of the property regardless of residency.<sup>3</sup> In addition, it is unclear whether all "qualifying residential taxpayers" would have income sourced to Nebraska such that they would be subject to income tax here. As the income tax credit proposed by LB 420 is refundable, you may wish to create a mechanism to allow the credit to be claimed by those not otherwise subject to Nebraska income tax so as to avoid any potential impermissible discrimination.

### CONCLUSION

Based upon the lengthy discussion of potential constitutional concerns above, we do not believe that LB 420 clearly contravenes any of those constitutional principles. However, in our view, the bill's provisions create some uncertainties as noted in this opinion.

Sincerely,  
(Signed) DOUGLAS J. PETERSON  
Attorney General  
Lynn A. Melson

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<sup>3</sup> Another possible alternative for financially assisting residential taxpayers, which might avoid any constitutional concerns, would be to grant a general homestead exemption under Neb. Const. art. VIII, § 2.

Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-618-29

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 1003

Tuesday, March 12, 2019 1:30 p.m.

Jeremy Jensen - State Fair Board

(Signed) Steve Halloran, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 300.** Placed on General File.

**LEGISLATIVE BILL 93.** Placed on General File with amendment.

AM422

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

2 sections:

3 Section 1. Section 43-1411, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 43-1411 (1) A civil proceeding to establish the paternity of a  
6 child may be instituted, in the court of the district where the child is  
7 domiciled or found or, for cases under the Uniform Interstate Family  
8 Support Act, where the alleged father is domiciled, by (a) ~~(1)~~ the mother  
9 or the alleged father of such child, either during pregnancy or within  
10 four years after the child's birth, unless (i) ~~(a)~~ a valid consent or  
11 relinquishment has been made pursuant to sections 43-104.08 to 43-104.25  
12 or section 43-105 for purposes of adoption or (ii) ~~(b)~~ a county court or  
13 separate juvenile court has jurisdiction over the custody of the child or  
14 jurisdiction over an adoption matter with respect to such child pursuant  
15 to sections 43-101 to 43-116 or (b) ~~(2)~~ the guardian or next friend of  
16 such child or the state, either during pregnancy or within eighteen years  
17 after the child's birth. Summons shall issue and be served as in other  
18 civil proceedings, except that such summons may be directed to the  
19 sheriff of any county in the state and may be served in any county.

20 (2) Notwithstanding any other provision of law, a person claiming to  
21 be the biological father of a child over which the juvenile court already  
22 has jurisdiction may file a complaint to intervene in such juvenile  
23 proceeding to institute an action to establish the paternity of the  
24 child. The complaint to intervene shall be accompanied by an affidavit

25 under oath that the affiant believes he is the biological father of the  
26 juvenile. No filing fee shall be charged for filing the complaint and  
27 affidavit. Upon filing of the complaint and affidavit, the juvenile court  
1 shall enter an order pursuant to section 43-1414 to require genetic  
2 testing and to require the juvenile to be made available for genetic  
3 testing. The costs of genetic testing shall be paid by the intervenor,  
4 the county, or the state at the discretion of the juvenile court.  
5 Sec. 2. Original section 43-1411, Reissue Revised Statutes of  
6 Nebraska, is repealed.

**LEGISLATIVE BILL 206.** Placed on General File with amendment.  
AM430

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. (1) For purposes of this section:  
4 (a) Postsecondary educational institution means the University of  
5 Nebraska, a state college, or a community college;  
6 (b) School-sponsored media means any material that is (i) prepared,  
7 substantially written, published, or broadcast by a student journalist at  
8 a postsecondary educational institution, (ii) distributed or generally  
9 made available to members of the student body, and (iii) prepared under  
10 the direction of a student media adviser. School-sponsored media does not  
11 include any media intended for distribution or transmission solely for  
12 the class in which the media is produced;  
13 (c) Student journalist means a student at a postsecondary  
14 educational institution who gathers, compiles, writes, edits,  
15 photographs, records, or prepares information of a journalistic nature  
16 for dissemination in school-sponsored media; and  
17 (d) Student media adviser means an individual employed, appointed,  
18 or designated by a postsecondary educational institution to supervise or  
19 provide instruction relating to school-sponsored media.  
20 (2)(a) All school-sponsored media are deemed to be public forums.  
21 Subject to subsection (3) of this section, a student journalist has a  
22 right to exercise freedom of speech and of the press in school-sponsored  
23 media, regardless of whether the media is supported financially by the  
24 postsecondary educational institution, supported by the use of the  
25 facilities of such institution, or produced in conjunction with a class  
26 in which the student journalist is enrolled.  
27 (b) Subject to subsection (3) of this section, each student  
1 journalist is responsible for determining the news, opinion, feature,  
2 sports, and advertising content such student produces for school-  
3 sponsored media. This subdivision shall not be construed to prevent a  
4 student media adviser from teaching professional standards of English and  
5 journalism to student journalists or ensuring that school-sponsored media  
6 adhere to prevailing journalistic ethical standards.  
7 (3) This section does not authorize or protect expression by a  
8 student journalist that:  
9 (a) Is libelous or slanderous;  
10 (b) Constitutes an unwarranted invasion of privacy;

11 (c) Violates federal or state law;  
12 (d) Departs from prevailing journalistic ethical standards; or  
13 (e) So incites students as to create a clear and present danger of  
14 (i) the commission of an unlawful act, (ii) a violation of the policies  
15 of a postsecondary educational institution, or (iii) the material and  
16 substantial disruption of the orderly operation of such institution.  
17 (4) A student journalist shall not be disciplined for acting in  
18 accordance with subsection (2) of this section.  
19 (5) A student media adviser shall not be dismissed, suspended,  
20 disciplined, reassigned, transferred, or otherwise retaliated against  
21 for:  
22 (a) Acting to protect a student journalist engaged in conduct under  
23 subsection (2) of this section; or  
24 (b) Refusing to infringe upon conduct that is protected by  
25 subsection (2) of this section or the First Amendment to the Constitution  
26 of the United States.  
27 (6) No publication or other expression of matter by a student  
28 journalist in the exercise of rights under this section shall be deemed  
29 to be an expression of a postsecondary educational institution's policy.  
30 Sec. 2. For purposes of this section:  
31 (a) Public high school means any high school operated by a school  
1 district;  
2 (b) School-sponsored media means any material that is (i) prepared,  
3 substantially written, published, or broadcast by a student journalist at  
4 a public high school, (ii) distributed or generally made available to  
5 members of the student body, and (iii) prepared under the direction of a  
6 student media adviser. School-sponsored media does not include any media  
7 intended for distribution or transmission solely for the class in which  
8 the media is produced;  
9 (c) Student journalist means a public high school student who  
10 gathers, compiles, writes, edits, photographs, records, or prepares  
11 information of a journalistic nature for dissemination in school-  
12 sponsored media; and  
13 (d) Student media adviser means an individual employed, appointed,  
14 or designated by a public high school to supervise or provide instruction  
15 relating to school-sponsored media.  
16 (2)(a) All school-sponsored media are deemed to be public forums.  
17 Subject to subsection (3) of this section, a student journalist has a  
18 right to exercise freedom of speech and of the press in school-sponsored  
19 media, regardless of whether the media is supported financially by the  
20 public high school, supported by the use of the facilities of such  
21 school, or produced in conjunction with a class in which the student  
22 journalist is enrolled.  
23 (b) Subject to subsection (3) of this section, each student  
24 journalist is responsible for determining the news, opinion, feature,  
25 sports, and advertising content such student produces for school-  
26 sponsored media. This subdivision shall not be construed to prevent a  
27 student media adviser from teaching professional standards of English and  
28 journalism to student journalists or ensuring that school-sponsored media

29 adhere to prevailing journalistic ethical standards.  
 30 (3) This section does not authorize or protect expression by a  
 31 student journalist that:  
 1 (a) Is libelous or slanderous;  
 2 (b) Constitutes an unwarranted invasion of privacy;  
 3 (c) Violates federal or state law;  
 4 (d) Departs from prevailing journalistic ethical standards; or  
 5 (e) So incites students as to create a clear and present danger of  
 6 (i) the commission of an unlawful act or (ii) a violation of the policies  
 7 of a public high school that could cause the material and substantial  
 8 disruption of the orderly operation of such school.  
 9 (4) A student journalist shall not be disciplined for acting in  
 10 accordance with subsection (2) of this section.  
 11 (5) A student media adviser shall not be dismissed, suspended,  
 12 disciplined, reassigned, transferred, or otherwise retaliated against  
 13 for:  
 14 (a) Acting to protect a student journalist engaged in conduct under  
 15 subsection (2) of this section; or  
 16 (b) Refusing to infringe upon conduct that is protected by  
 17 subsection (2) of this section or the First Amendment to the Constitution  
 18 of the United States.  
 19 (6) No publication or other expression of matter by a student  
 20 journalist in the exercise of rights under this section shall be deemed  
 21 to be an expression of a public high school's policy.  
 22 (7) Public high schools and student media advisers shall make  
 23 efforts to utilize the resources and programs of state public and private  
 24 universities and colleges and of state professional journalism  
 25 organizations to obtain training and advice on mass media law and ethics  
 26 for student media advisers and student journalists.

**LEGISLATIVE BILL 230.** Placed on General File with amendment.

AM450

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 83-4,125, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:  
 5 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01 and  
 6 section 5 of this act:  
 7 (1) Criminal detention facility means any institution operated by a  
 8 political subdivision or a combination of political subdivisions for the  
 9 careful keeping or rehabilitative needs of adult or juvenile criminal  
 10 offenders or those persons being detained while awaiting disposition of  
 11 charges against them. Criminal detention facility does not include any  
 12 institution operated by the Department of Correctional Services. Criminal  
 13 detention facilities shall be classified as follows:  
 14 (a) Type I Facilities means criminal detention facilities used for  
 15 the detention of persons for not more than twenty-four hours, excluding  
 16 nonjudicial days;  
 17 (b) Type II Facilities means criminal detention facilities used for

18 the detention of persons for not more than ninety-six hours, excluding  
19 nonjudicial days; and  
20 (c) Type III Facilities means criminal detention facilities used for  
21 the detention of persons beyond ninety-six hours;  
22 (2) Juvenile detention facility means an institution operated by a  
23 political subdivision or political subdivisions for the secure detention  
24 and treatment of persons younger than eighteen years of age, including  
25 persons under the jurisdiction of a juvenile court, who are serving a  
26 sentence pursuant to a conviction in a county or district court or who  
27 are detained while waiting disposition of charges against them. Juvenile  
1 detention facility does not include any institution operated by the  
2 department;  
3 (3) Juvenile facility means a residential child-caring agency as  
4 defined in section 71-1926, a juvenile detention facility or staff secure  
5 juvenile facility as defined in this section, a facility operated by the  
6 Department of Correctional Services that houses youth under the age of  
7 majority, or a youth rehabilitation and treatment center;  
8 (4) Room confinement means the involuntary restriction of a juvenile  
9 placed alone in a cell, alone in a room, or alone in another area,  
10 including a juvenile's own room, except during normal sleeping hours,  
11 whether or not such cell, room, or other area is subject to video or  
12 other electronic monitoring; and  
13 (5) Staff secure juvenile facility means a juvenile residential  
14 facility operated by a political subdivision (a) which does not include  
15 construction designed to physically restrict the movements and activities  
16 of juveniles who are in custody in the facility, (b) in which physical  
17 restriction of movement or activity of juveniles is provided solely  
18 through staff, (c) which may establish reasonable rules restricting  
19 ingress to and egress from the facility, and (d) in which the movements  
20 and activities of individual juvenile residents may, for treatment  
21 purposes, be restricted or subject to control through the use of  
22 intensive staff supervision. Staff secure juvenile facility does not  
23 include any institution operated by the department.  
24 Sec. 2. Section 83-4,126, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:  
26 83-4,126 (1) Except as provided in subsection (2) of this section,  
27 the Jail Standards Board shall have the authority and responsibility:  
28 (a) To develop minimum standards for the construction, maintenance,  
29 and operation of criminal detention facilities;  
30 (b) To perform other duties as may be necessary to carry out the  
31 policy of the state regarding criminal detention facilities, juvenile  
1 detention facilities, and staff secure juvenile facilities as stated in  
2 sections 83-4,124 to 83-4,134.01 and section 5 of this act; and  
3 (c) Consistent with the purposes and objectives of the Juvenile  
4 Services Act, to develop standards for juvenile detention facilities and  
5 staff secure juvenile facilities, including, but not limited to,  
6 standards for physical facilities, care, programs, and disciplinary  
7 procedures, and to develop guidelines pertaining to the operation of such  
8 facilities.

9 (2) The Jail Standards Board shall not have authority over or  
10 responsibility for correctional facilities that are accredited by a  
11 nationally recognized correctional association. A correctional facility  
12 that is accredited by a nationally recognized correctional association  
13 shall show proof of accreditation annually to the Jail Standards Board.  
14 For purposes of this subsection, nationally recognized correctional  
15 association includes, but is not limited to, the American Correctional  
16 Association or its successor.

17 Sec. 3. Section 83-4,132, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19 83-4,132 If an inspection under sections 83-4,124 to 83-4,134.01 and  
20 section 5 of this act discloses that the criminal detention facility,  
21 juvenile detention facility, or staff secure juvenile facility does not  
22 meet the minimum standards established by the Jail Standards Board, the  
23 board shall send notice, together with the inspection report, to the  
24 governing body responsible for the facility. The appropriate governing  
25 body shall promptly meet to consider the inspection report, and the  
26 inspection personnel shall appear before the governing body to advise and  
27 consult concerning appropriate corrective action. The governing body  
28 shall then initiate appropriate corrective action within six months after  
29 the receipt of such inspection report or may voluntarily close the  
30 facility or the objectionable portion thereof.

31 Sec. 4. Section 83-4,134.01, Revised Statutes Cumulative Supplement,  
1 2018, is amended to read:

2 83-4,134.01 (1) It is the intent of the Legislature to establish a  
3 system of investigation and performance review in order to provide  
4 increased accountability and oversight regarding the use of room  
5 confinement for juveniles in a juvenile facility.

6 (2) The following shall apply regarding placement in room  
7 confinement of a juvenile in a juvenile facility:

8 (a) Room confinement of a juvenile for longer than one hour during a  
9 twenty-four-hour period shall be documented and approved in writing by a  
10 supervisor in the juvenile facility. Documentation of the room  
11 confinement shall include the date of the occurrence; the race,  
12 ethnicity, age, and gender of the juvenile; the reason for placement of  
13 the juvenile in room confinement; an explanation of why less restrictive  
14 means were unsuccessful; the ultimate duration of the placement in room  
15 confinement; facility staffing levels at the time of confinement; and any  
16 incidents of self-harm or suicide committed by the juvenile while he or  
17 she was isolated;

18 (b) If any physical or mental health clinical evaluation was  
19 performed during the time the juvenile was in room confinement for longer  
20 than one hour, the results of such evaluation shall be considered in any  
21 decision to place a juvenile in room confinement or to continue room  
22 confinement;

23 (c) The juvenile facility shall submit a report quarterly to the  
24 Legislature on the juveniles placed in room confinement; the length of  
25 time each juvenile was in room confinement; the race, ethnicity, age, and  
26 gender of each juvenile placed in room confinement; facility staffing

27 levels at the time of confinement; and the reason each juvenile was  
28 placed in room confinement. The report shall specifically address each  
29 instance of room confinement of a juvenile for more than four hours,  
30 including all reasons why attempts to return the juvenile to the general  
31 population of the juvenile facility were unsuccessful. The report shall  
1 also detail all corrective measures taken in response to noncompliance  
2 with this section. The report shall redact all personal identifying  
3 information but shall provide individual, not aggregate, data. The report  
4 shall be delivered electronically to the Legislature. The initial  
5 quarterly report shall be submitted within two weeks after the quarter  
6 ending on September 30, 2016. Subsequent reports shall be submitted for  
7 the ensuing quarters within two weeks after the end of each quarter; and  
8 (d) The Inspector General of Nebraska Child Welfare shall review all  
9 data collected pursuant to this section in order to assess the use of  
10 room confinement for juveniles in each juvenile facility and prepare an  
11 annual report of his or her findings, including, but not limited to,  
12 identifying changes in policy and practice which may lead to decreased  
13 use of such confinement as well as model evidence-based criteria to be  
14 used to determine when a juvenile should be placed in room confinement.  
15 The report shall be delivered electronically to the Legislature on an  
16 annual basis. ~~and~~

17 (3) The use of consecutive periods of room confinement to avoid the  
18 intent or purpose of this section is prohibited.

19 (4) (e) Any juvenile facility which is not a residential child-  
20 caring agency which fails to comply with the requirements of this section  
21 is subject to disciplinary action as provided in section 83-4,134. Any  
22 juvenile facility which is a residential child-caring agency which fails  
23 to comply with the requirements of this section is subject to  
24 disciplinary action as provided in section 71-1940.

25 Sec. 5. (1) This section applies to placement of a juvenile in room  
26 confinement in the following facilities: A juvenile detention facility,  
27 staff secure juvenile facility, facility operated by the Department of  
28 Correctional Services or by any county that houses youth under the age of  
29 majority, or youth rehabilitation and treatment center operated by the  
30 Department of Health and Human Services.

31 (2) A juvenile shall not be placed in room confinement for any of  
1 the following reasons:

2 (a) As a punishment or a disciplinary sanction;

3 (b) As a response to a staffing shortage; or

4 (c) As retaliation against the juvenile by staff.

5 (3) A juvenile shall not be placed in room confinement unless all  
6 other less-restrictive alternatives have been exhausted and the juvenile  
7 poses an immediate and substantial risk of harm to self or others.

8 (4) A juvenile may only be held in room confinement according to the  
9 following conditions:

10 (a) A juvenile shall not be held in room confinement longer than the  
11 minimum time required to eliminate the substantial and immediate risk of  
12 harm to self or others and shall be released from room confinement as  
13 soon as the substantial and immediate risk of harm to self or others is

14 resolved; and  
 15 (b) A juvenile shall only be held in room confinement for a period  
 16 that does not compromise or harm the mental or physical health of the  
 17 juvenile.  
 18 (5) Any juvenile placed in room confinement shall be released  
 19 immediately upon regaining sufficient control so as to no longer engage  
 20 in behavior that threatens substantial and immediate risk of harm to self  
 21 or others.  
 22 (6) Not later than one business day after the date on which a  
 23 facility places a juvenile in room confinement, the facility shall  
 24 provide notice of the placement in room confinement to the juvenile's  
 25 parent or guardian and the attorney of record for the juvenile.  
 26 (7) All rooms used for room confinement shall have adequate and  
 27 operating lighting, heating and cooling, and ventilation for the comfort  
 28 of the juvenile. Rooms shall be clean and resistant to suicide and self-  
 29 harm. Juveniles in room confinement shall have access to drinking water,  
 30 toilet facilities, hygiene supplies, and reading materials approved by a  
 31 licensed mental health professional.  
 1 (8) Juveniles in room confinement shall have the same access as  
 2 provided to juveniles in the general population of the facility to meals,  
 3 contact with parents or legal guardians, legal assistance, and access to  
 4 educational programming.  
 5 (9) Juveniles in room confinement shall have access to appropriate  
 6 medical and mental health services. Mental health staff shall promptly  
 7 provide mental health services as needed.  
 8 (10) Juveniles in room confinement shall be continuously monitored  
 9 by staff of the facility. Continuous monitoring may be accomplished  
 10 through regular in-person visits to the confined juvenile which may also  
 11 be supplemented by electronic video monitoring.  
 12 (11) The use of consecutive periods of room confinement to avoid the  
 13 intent and purpose of this section is prohibited.  
 14 (12) Nothing in this section shall be construed to authorize or  
 15 require the construction or erection of fencing or similar structures at  
 16 any facility, nor the imposition of non-rehabilitative approaches to  
 17 behavior management within any facility.  
 18 Sec. 6. Original sections 83-4,125, 83-4,126, 83-4,132, and  
 19 83-4,134.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 322.** Placed on General File with amendment.  
 AM271

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 28-1419, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 28-1419 (1) Whoever shall sell, give, or furnish, in any way, any  
 6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,  
 7 vapor products, or alternative nicotine products, to any minor under  
 8 eighteen years of age, is guilty of a Class III misdemeanor for each  
 9 offense.

10 (2)(a) In order to further the public policy of deterring licensees  
 11 or other persons from violating subsection (1) of this section, a person  
 12 who is at least fifteen years of age but under eighteen years of age may  
 13 assist a peace officer in determining compliance with such subsection if:  
 14 (i) The parent or legal guardian of the person has given written  
 15 consent for the person to participate in such compliance check;  
 16 (ii) The person is an employee, a volunteer, or an intern with a  
 17 state or local law enforcement agency;  
 18 (iii) The person is acting within the scope of his or her assigned  
 19 duties as part of a law enforcement investigation;  
 20 (iv) The person does not use or consume a tobacco product as part of  
 21 such duties; and  
 22 (v) The person is not actively assigned to a diversion program, is  
 23 not a party to a pending criminal proceeding or a proceeding pending  
 24 under the Nebraska Juvenile Code, and is not on probation.  
 25 (b) Any person under the age of eighteen years acting in accordance  
 26 with and under the authority of this subsection shall not be in violation  
 27 of section 28-1427.

1 Sec. 2. Section 28-1427, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:

3 28-1427 Except as provided in subsection (2) of section 28-1419,  
 4 any ~~Any~~ person under the age of eighteen years who shall obtain cigars,  
 5 tobacco, cigarettes, cigarette material, vapor products, or alternative  
 6 nicotine products from a licensee by representing that he or she is of  
 7 the age of eighteen years or over is guilty of a Class V misdemeanor.

8 Sec. 3. Original sections 28-1419 and 28-1427, Reissue Revised  
 9 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 390.** Placed on General File with amendment.  
 AM408

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:

3 Section 1. The Legislature finds and declares that:

4 (1) Our public school children, faculty, and staff are entitled to  
 5 be safe in schools when they attend school and study or work;

6 (2) Schools have an interest in keeping students safe;

7 (3) The interest of schools in keeping students safe may include the  
 8 presence of school resource officers or security guards if a school  
 9 district determines such resources are necessary to keep schools safe;

10 (4) Parents and guardians of students have a vested interest in  
 11 being informed of school discipline matters involving their children and  
 12 to be notified as soon as possible if their children are contacted in  
 13 response to a possible law violation, questioned, searched, cited, or  
 14 arrested by a peace officer working with school officials;

15 (5) A comprehensive and clear memorandum of understanding between  
 16 law enforcement and school officials will delineate the roles and  
 17 responsibilities of school resource officers, security guards, and school  
 18 officials to balance the interests of safety for students and school  
 19 staff in relation to parental rights, student success, and family

20 integrity, with the goal that an increased law enforcement presence at  
21 schools will not result in a disparate impact on students in federally  
22 identified demographic categories; and  
23 (6) Schools have a duty to respond to and manage disciplinary  
24 issues. The primary role of school resource officers and security  
25 officers should be to enhance safety with the understanding that school  
26 resource officers also work to prevent and respond to law violations and  
27 serve as a community resource for students, parents, and school staff.

1 Sec. 2. For purposes of sections 1 to 4 of this act, unless the  
2 context otherwise requires:

3 (1) Department means the State Department of Education;

4 (2) Law enforcement agency means an agency or department of this  
5 state or of any political subdivision of this state that is responsible  
6 for the prevention and detection of crime, the enforcement of the penal,  
7 traffic, or highway laws of this state or any political subdivision of  
8 this state, and the enforcement of arrest warrants. Law enforcement  
9 agency includes a police department, an office of a town marshal, an  
10 office of a county sheriff, the Nebraska State Patrol, and any department  
11 to which a deputy state sheriff is assigned as provided in section  
12 84-106;

13 (3) Peace officer has the same meaning as in section 28-109;

14 (4) School resource officer means any peace officer who is assigned,  
15 as his or her primary duty, to any school district to provide law  
16 enforcement and security services to any public elementary or secondary  
17 school and does not mean a peace officer responding to a call for  
18 service, providing proactive enforcement, providing law enforcement or  
19 traffic direction for a school-related event, or providing temporary  
20 services as a school resource officer when the assigned school resource  
21 officer is not available;

22 (5) Security agency means a contractor that employs security guards  
23 used by a school district; and

24 (6) Security guard means a person who is contracted or employed by a  
25 security agency to protect buildings and people and who does not have law  
26 enforcement authority or the power to arrest under any apparent authority  
27 in the jurisdiction where such person is contracted or employed as a  
28 security guard. A security guard may be an off-duty peace officer.

29 Sec. 3. (1) On or before December 1, 2019, the department shall  
30 develop and distribute a model memorandum of understanding that includes  
31 the policies required by section 4 of this act. Any law enforcement  
1 agency or security agency required to adopt a memorandum of understanding  
2 with a school district pursuant to this section that has not developed  
3 and adopted a different written memorandum of understanding shall adopt  
4 the model memorandum of understanding developed by the department.

5 (2) On and after January 1, 2021, any law enforcement agency which  
6 provides school resource officers and any security agency which provides  
7 security guards to schools in a school district shall have in effect the  
8 model memorandum of understanding or a different written memorandum of  
9 understanding with such school district as adopted by such law  
10 enforcement agency or security agency. Such different written memorandum

11 of understanding shall be substantially similar to the model memorandum  
12 of understanding, shall include provisions in conformance with the  
13 minimum standards set forth in the model memorandum of understanding, and  
14 may include any other procedures and provisions the school district and  
15 the law enforcement agency or security agency mutually deem appropriate.  
16 (3) The superintendent of a school district required to adopt a  
17 memorandum of understanding under this section shall, within three months  
18 after its adoption, provide a copy of such memorandum of understanding to  
19 the department or publicly post such memorandum of understanding on the  
20 school district web site.  
21 (4) On or before January 1, 2021, and each January 1 thereafter,  
22 when any school district required to adopt a memorandum of understanding  
23 under this section has made any change to its memorandum of  
24 understanding, in conjunction with the law enforcement agency or security  
25 agency, in the preceding year, the superintendent of such school district  
26 shall provide an updated copy of such memorandum of understanding to the  
27 department or publicly post such memorandum of understanding on the  
28 school district web site.  
29 Sec. 4. Each memorandum of understanding required by section 3 of  
30 this act shall govern the use of school resource officers or security  
31 guards and shall include, but not be limited to, policies that:  
1 (1) Require each school resource officer or security guard to attend  
2 a minimum of twenty hours of training focused on school-based law  
3 enforcement, including, but not limited to, coursework focused on school  
4 law, student rights, understanding special needs students and students  
5 with disabilities, conflict de-escalation techniques, ethics for school  
6 resource officers, teenage brain development, adolescent behavior,  
7 implicit bias training, diversity and cultural awareness, trauma-informed  
8 responses, and preventing violence in school settings;  
9 (2) Require a minimum of one administrator in each elementary or  
10 secondary school where a school resource officer or security guard is  
11 assigned to attend a minimum of twenty hours of training focused on  
12 school-based law enforcement, including, but not limited to, coursework  
13 focused on school law, student rights, understanding special needs  
14 students and students with disabilities, conflict de-escalation  
15 techniques, ethics for school resource officers and security guards,  
16 teenage brain development, adolescent behavior, implicit bias training,  
17 diversity and cultural awareness, trauma-informed responses, and  
18 preventing violence in school settings;  
19 (3) Ensure records are kept on each student referral for prosecution  
20 from a school resource officer in response to an incident occurring at  
21 school, on school grounds, or at a school-sponsored event and ensure that  
22 such records allow for analysis of related data and delineate:  
23 (a) The reason for such referral; and  
24 (b) Federally identified demographic characteristics of such  
25 student;  
26 (4) Identify school policies that address when a parent or guardian  
27 will be notified or present, in a language that such parent or guardian  
28 understands, if a student is subjected to questioning or interrogation by

29 a school official or by a school resource officer or security guard  
 30 operating in conjunction with a school official;  
 31 (5) Identify the school or law enforcement agency policies that  
 1 address under what circumstances a student will be advised of  
 2 constitutional rights prior to being questioned or interrogated by a  
 3 school official or by a school resource officer or security guard  
 4 operating in conjunction with a school official;  
 5 (6) Identify the school policy required by section 79-262 that  
 6 addresses the type or category of student conduct or actions that will be  
 7 referred to law enforcement for prosecution and the type of student  
 8 conduct or actions that will be resolved as a disciplinary matter by a  
 9 school official and not subject to referral to law enforcement; and  
 10 (7) Identify a student and parent complaint process to express a  
 11 concern or file a complaint about a school resource officer or security  
 12 guard and the practices of such school resource officer or security guard  
 13 with the law enforcement agency or security agency.

**LEGISLATIVE BILL 579.** Placed on General File with amendment.  
 AM345 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 224.** Placed on Select File.

**LEGISLATIVE BILL 16.** Placed on Select File.

(Signed) Julie Slama, Chairperson

#### **ANNOUNCEMENT**

The Chair announced the birthday of Senator Gragert.

#### **GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Chambers renewed his motion, MO13, found on page 570 and considered on page 574, to bracket until June 6, 2019.

Senator Slama offered the following motion:

MO15

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 20 not voting.

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

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, B.	Lindstrom	Quick
Arch	DeBoer	Hansen, M.	Linehan	Scheer
Blood	Dorn	Hilgers	Lowe	Slama
Bolz	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Williams
Brandt	Geist	Kolowski	Morfeld	Wishart
Brewer	Gragert	Kolterman	Moser	
Briese	Groene	La Grone	Murman	
Clements	Halloran	Lathrop	Pansing Brooks	

Voting in the negative, 3:

Chambers	Hunt	Wayne
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Excused and not voting, 4:

Cavanaugh	Howard	Vargas	Walz
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The Slama motion to invoke cloture prevailed with 42 ayes, 3 nays, and 4 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

Albrecht	Crawford	Hansen, B.	Lathrop	Pansing Brooks
Arch	DeBoer	Hansen, M.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Scheer
Bolz	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Hughes	McCollister	Stinner
Brandt	Geist	Hunt	McDonnell	Wayne
Brewer	Gragert	Kolowski	Morfeld	Williams
Briese	Groene	Kolterman	Moser	Wishart
Clements	Halloran	La Grone	Murman	

Excused and not voting, 4:

Cavanaugh	Howard	Vargas	Walz
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The Chambers motion to bracket failed with 1 aye, 44 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Moser amendment,

FA14, found on page 570, to the committee amendment.

Voting in the affirmative, 39:

Albrecht	Dorn	Hansen, M.	Lathrop	Pansing Brooks
Arch	Erdman	Hilgers	Lindstrom	Quick
Bostelman	Friesen	Hilkemann	Linehan	Scheer
Brandt	Geist	Hughes	Lowe	Slama
Brewer	Gragert	Hunt	McCollister	Stinner
Briese	Groene	Kolowski	McDonnell	Williams
Clements	Halloran	Kolterman	Moser	Wishart
Crawford	Hansen, B.	La Grone	Murman	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Blood	Bolz	DeBoer	Morfeld	Wayne
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Excused and not voting, 4:

Cavanaugh	Howard	Vargas	Walz
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The Moser amendment was adopted with 42 ayes, 3 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, AM286, found on page 507 and considered on page 535, as amended.

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, B.	Lindstrom	Quick
Arch	DeBoer	Hansen, M.	Linehan	Scheer
Blood	Dorn	Hilgers	Lowe	Slama
Bolz	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Williams
Brandt	Geist	Kolowski	Morfeld	Wishart
Brewer	Gragert	Kolterman	Moser	
Briese	Groene	La Grone	Murman	
Clements	Halloran	Lathrop	Pansing Brooks	

Voting in the negative, 3:

Chambers	Hunt	Wayne
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Excused and not voting, 4:

Cavanaugh Howard Vargas Walz

The committee amendment, as amended, was adopted with 42 ayes, 3 nays, and 4 excused and not voting.

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

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, B.	Lindstrom	Quick
Arch	DeBoer	Hansen, M.	Linehan	Scheer
Blood	Dorn	Hilgers	Lowe	Slama
Bolz	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Williams
Brandt	Geist	Kolowski	Morfeld	Wishart
Brewer	Gragert	Kolterman	Moser	
Briese	Groene	La Grone	Murman	
Clements	Halloran	Lathrop	Pansing Brooks	

Voting in the negative, 3:

Chambers Hunt Wayne

Excused and not voting, 4:

Cavanaugh Howard Vargas Walz

Advanced to Enrollment and Review Initial with 42 ayes, 3 nays, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 309.** Title read. Considered.

Senator Chambers offered the following motion:

MO16

Bracket until June 6, 2019.

Pending.

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

Enrollment and Review

**LEGISLATIVE BILL 7.** Placed on Final Reading.

**LEGISLATIVE BILL 55.** Placed on Final Reading.

**LEGISLATIVE BILL 146.** Placed on Final Reading.

ST4

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "time for acceptance of a" has been struck and "liability provisions for refusal to accept an acknowledged" inserted.

**LEGISLATIVE BILL 154.** Placed on Final Reading.

ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "and children" has been inserted after "women".

**LEGISLATIVE BILL 264.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 116.** Placed on Select File.

**LEGISLATIVE BILL 145.** Placed on Select File with amendment.

ER37

1 1. On page 1, line 2, strike "section" and insert "sections 30-4020 2 and"; and in line 4 after the semicolon insert "to harmonize provisions;" 3 and strike "section" and insert "sections".

**LEGISLATIVE BILL 384.** Placed on Select File with amendment.

ER39

1 1. On page 2, line 24, strike "their" and insert "its".

**LEGISLATIVE BILL 660.** Placed on Select File with amendment.

ER38

1 1. On page 3, line 23, after the first "the" insert "executive"; and 2 in line 25 after "the" insert "executive".

**LEGISLATIVE BILL 660A.** Placed on Select File.

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

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, March 6, 2019 1:30 p.m.

LB211

LB163

LB83  
LB711

Thursday, March 7, 2019 1:30 p.m.

LB267  
LB336  
LB543

(Signed) Tom Brewer, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

McCollister - LB284  
Erdman - LB483

**GENERAL FILE**

**LEGISLATIVE BILL 309.** The Chambers motion, MO16, found in this day's Journal, to bracket until June 6, 2019, was renewed.

**SENATOR HUGHES PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 477.** Placed on General File.

**LEGISLATIVE BILL 512.** Placed on General File with amendment.  
AM423

- 1 1. Strike original sections 12, 15, and 26 and insert the following
- 2 new section:
- 3 Sec. 24. Sections 14 and 26 of this act become operative for all
- 4 taxable years beginning or deemed to begin on or after January 1, 2018,
- 5 under the Internal Revenue Code of 1986, as amended. Sections 15, 16, 17,
- 6 and 27 of this act become operative for all taxable years beginning or
- 7 deemed to begin on or after January 1, 2019, under the Internal Revenue
- 8 Code of 1986, as amended. The other sections of this act become operative
- 9 on their effective date.
- 10 2. On page 36, line 28, strike "77-414,".
- 11 3. Renumber the remaining sections accordingly.

(Signed) Lou Ann Linehan, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, March 6, 2019 1:30 p.m.

LB720  
 LB419  
 LB413  
 LB417  
 LB613

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**

General Affairs

The General Affairs 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.

Todd Zohner - Nebraska Commission on Problem Gambling

Aye: 8 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.  
 Absent: 0. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Geist filed the following amendment to LB142:

AM49

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 60-3301, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:  
 5 60-3301 For purposes of sections 60-3301 to 60-3311 and section 6 of  
 6 this act, the following definitions apply:  
 7 (1) Automated driving system means the hardware and software that  
 8 are collectively capable of performing the entire dynamic driving task on  
 9 a sustained basis regardless of whether it is limited to a specific  
 10 operational design domain, if any;  
 11 (2) Automated-driving-system-equipped vehicle means a motor vehicle  
 12 equipped with an automated driving system;  
 13 (3) Automated driving system manufacturer means the manufacturer of  
 14 the automated driving system;  
 15 (4) ~~(3)~~ Conventional human driver means a human person who manually  
 16 exercises in-vehicle braking, accelerating, steering, and transmission

17 gear selection input devices in order to operate a motor vehicle;  
 18 ~~(5)~~ (4) Department means the Department of Motor Vehicles;  
 19 ~~(6)~~ ~~(5)~~ Driverless-capable vehicle means a motor vehicle equipped  
 20 with an automated driving system capable of performing all aspects of the  
 21 dynamic driving task within its operational design domain, if any,  
 22 including achieving a minimal risk condition, without any intervention or  
 23 supervision by a conventional human driver;  
 24 ~~(7)~~ ~~(6)~~ Dynamic driving task means all of the real-time operational  
 25 and tactical functions required to operate a motor vehicle within its  
 26 specific operational design domain, if any, excluding the strategic  
 27 functions such as trip scheduling and selection of destinations and  
 1 waypoints;  
 2 ~~(8)~~ ~~(7)~~ Minimal risk condition means a reasonably safe state to  
 3 which an automated driving system brings an automated-driving-system-  
 4 equipped vehicle upon experiencing a performance-related failure of the  
 5 vehicle's automated driving system that renders the vehicle unable to  
 6 perform the entire dynamic driving task, such as bringing the vehicle to  
 7 a complete stop and activating the hazard lamps;  
 8 ~~(9)~~ ~~(8)~~ On-demand driverless-capable vehicle network means a  
 9 transportation service network that uses a software application or other  
 10 digital means to dispatch driverless-capable vehicles for purposes of  
 11 transporting persons or goods, including for-hire transportation,  
 12 transportation for compensation, and public transportation; and  
 13 ~~(10)~~ ~~(9)~~ Operational design domain means a description of the  
 14 specific operating domain in which an automated driving system is  
 15 designed to properly operate, including, but not limited to, roadway  
 16 types, speed range, environmental conditions such as weather and time of  
 17 day, and other domain constraints.

18 Sec. 2. Section 60-3304, Revised Statutes Cumulative Supplement,  
 19 2018, is amended to read:

20 60-3304 Before an automated-driving-system-equipped vehicle may  
 21 operate on the public roads of this state, (1) the vehicle manufacturer  
 22 as defined in section 60-1401.24 and the automated driving system  
 23 manufacturer shall provide evidence to the department of ability to  
 24 respond to damages for liability in the amount of at least five million  
 25 dollars, to include minimum coverage of one million dollars per vehicle  
 26 per occurrence, and (2) a person shall submit proof of financial  
 27 responsibility satisfactory to the department that the automated-driving-  
 28 system-equipped vehicle is covered by insurance or proof of self-  
 29 insurance that satisfies the requirements of the Motor Vehicle Safety  
 30 Responsibility Act.

31 Sec. 3. Section 60-3308, Revised Statutes Cumulative Supplement,  
 1 2018, is amended to read:

2 60-3308 (1) Automated-driving-system-equipped vehicles and automated  
 3 driving systems are governed exclusively by sections 60-3301 to 60-3311  
 4 and section 6 of this act. The department is the sole and exclusive state  
 5 agency that may implement sections 60-3301 to 60-3311 and section 6 of  
 6 this act.

7 (2) The state or any political subdivision shall not impose

8 requirements, including performance standards, specific to the operation  
 9 of automated-driving-system-equipped vehicles, automated driving systems,  
 10 or on-demand driverless-capable vehicle networks in addition to the  
 11 requirements of sections 60-3301 to 60-3311 and section 6 of this act.

12 (3) The state or any political subdivision thereof shall not impose  
 13 a tax or other requirements on an automated-driving-system-equipped  
 14 vehicle, an automated driving system, or an on-demand driverless-capable  
 15 vehicle network, where such tax or other requirements relate specifically  
 16 to the operation of automated-driving-system-equipped vehicles.

17 Sec. 4. Section 60-3309, Revised Statutes Cumulative Supplement,  
 18 2018, is amended to read:

19 60-3309 Nothing in sections 60-3301 to 60-3311 and section 6 of this  
 20 act shall be construed to require the State of Nebraska or any political  
 21 subdivision thereof to plan, design, construct, maintain, or modify any  
 22 highway, as defined in section 60-624, for the accommodation of an  
 23 automated-driving-system-equipped vehicle or a driverless-capable  
 24 vehicle.

25 Sec. 5. Section 60-3310, Revised Statutes Cumulative Supplement,  
 26 2018, is amended to read:

27 60-3310 Nothing in sections 60-3301 to 60-3311 and section 6 of this  
 28 act shall be construed to provide greater liability than is already  
 29 allowed under the Political Subdivisions Tort Claims Act or the State  
 30 Tort Claims Act.

31 Sec. 6. Whenever a conventional human driver is in a motor vehicle  
 1 during its use, the conventional human driver shall be deemed to be in  
 2 control of the vehicle's operations, unless the automated driving system  
 3 is engaged.

4 When the automated driving system of the automated-driving-system-  
 5 equipped vehicle is engaged at the time of a crash or collision, the  
 6 automated driving system manufacturer shall be deemed to have been  
 7 operating the vehicle unless the system has been modified by a third  
 8 party.

9 Sec. 7. Original sections 60-3301, 60-3304, 60-3308, 60-3309, and  
 10 60-3310, Revised Statutes Cumulative Supplement, 2018, are repealed.

### GENERAL FILE

**LEGISLATIVE BILL 309.** The Chambers motion, MO16, found in this  
 day's Journal, to bracket until June 6, 2019, was renewed.

### SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with  
 16 ayes, 1 nay, and 32 not voting.

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

Voting in the affirmative, 1:

Groene

Voting in the negative, 45:

Albrecht	Clements	Hilgers	Lindstrom	Quick
Arch	Crawford	Hilkemann	Linehan	Scheer
Blood	DeBoer	Howard	Lowe	Slama
Bolz	Dorn	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Brewer	Halloran	Kolterman	Moser	Wayne
Briese	Hansen, B.	La Grone	Murman	Williams
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart

Present and not voting, 3:

Chambers Erdman Friesen

The Chambers motion to bracket failed with 1 aye, 45 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO17

Reconsider the vote taken to bracket.

Pending.

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

Enrollment and Review

**LEGISLATIVE BILL 254.** Placed on Select File with amendment.  
ER40

- 1 1. In the B. Hansen amendment, AM384, on page 1, line 16, after
- 2 "tribe" insert an underscored comma; and after line 25 insert "and".
- 3 2. On page 1, strike beginning with "amend" in line 1 through
- 4 "section" in line 5 and insert "adopt the Fair Chance Hiring Act".

**LEGISLATIVE BILL 361.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Tuesday, March 5, 2019 1:30 p.m.

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

Room 1003

Wednesday, March 6, 2019 1:30 p.m.

LB174

LB446

LB703

Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

Agency 21 - State Fire Marshal

Agency 35 - Liquor Control Commission, Nebraska

Agency 76 - Indian Commission, Nebraska

Agency 40 - Motor Vehicle Licensing Board, Nebraska

Agency 24 - Motor Vehicles, Department

Thursday, March 7, 2019 1:30 p.m.

Agency 81 - Commission for the Blind and Visually Impaired

Agency 82 - Commission for the Deaf and Hard of Hearing

Agency 67 - Equal Opportunity Commission

Agency 68 - Latino-American Commission

Agency 70 - Foster Care Review Board, State

(Signed) John Stinner, Chairperson

**AMENDMENT(S) - Print in Journal**Senator La Grone filed the following amendment to LB309:

AM471

1 1. Insert the following new sections:

2 Section 1. The state shall annually reimburse counties for costs3 incurred in the operating budgets of county courts, including supplies,4 court costs, attorney's fees, and equipment, including computers.5 Sec. 2. The state shall annually reimburse counties for costs6 related to district courts, including expenditures for:7 (1) Law clerks and bailiffs, including their health and dental8 insurance;9 (2) Appointment of counsel;

- 10 (3) Law library costs; and  
 11 (4) Supplies and equipment, including computers and furniture.  
 12 Sec. 3. The state shall annually reimburse counties for costs  
 13 incurred in the operating budgets of juvenile courts, including for:  
 14 (1) Bailiffs, file clerks, part-time receptionists;  
 15 (2) Appointment of counsel;  
 16 (3) Evaluations; and  
 17 (4) Supplies.  
 18 Sec. 4. The state shall annually reimburse counties for costs  
 19 incurred in providing courtroom facilities for county, juvenile, and  
 20 district courts, including the costs for utilities and custodial  
 21 services.  
 22 Sec. 5. The state shall annually reimburse counties for costs  
 23 incurred in providing courtroom security for county, juvenile, and  
 24 district courts, including for sworn deputies, civilian security  
 25 officers, and security equipment.  
 26 2. Renumber the remaining sections accordingly.

Senator La Grone filed the following amendment to LB309:  
 AM477

(Amendments to AM471)

- 1 1. Insert the following new section:  
 2 Sec. 7. Section 24-350, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 24-350 The judge of the district court may, if the business of the  
 5 court requires, appoint a bailiff or bailiffs. In counties having more  
 6 than sixty thousand inhabitants, bailiffs shall be appointed and shall  
 7 hold office for a term of one year unless sooner removed by the  
 8 appointing judge. In counties having not more than sixty thousand  
 9 inhabitants, the appointment shall continue only so long as is necessary.  
 10 ~~Bailiffs shall receive for their services either (a) an annual salary in~~  
 11 ~~an amount to be fixed by the county board, payable in monthly~~  
 12 ~~installments from the county general fund, or (b) a per diem in an amount~~  
 13 ~~to be fixed by the county board, payable monthly from the county general~~  
 14 ~~fund.~~  
 15 2. On page 1, line 26, after "sections" insert "and correct the  
 16 repealer".

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

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

Senator La Grone name added to LB147.  
 Senator Albrecht name added to LB462.  
 Senator Hunt name added to LB611.

**VISITOR(S)**

Visitors to the Chamber were Katie Ziegler from the National Conference of State Legislatures; and members of the AFL-CIO from across the state.

The Doctor of the Day was Dr. Dale Agner from Papillion.

**ADJOURNMENT**

At 11:48 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SECOND DAY - FEBRUARY 27, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SECOND DAY**

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

**PRAYER**

The prayer was offered by Pastor Jonathan Painter, Lincoln Baptist Church.

**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 Senator Kolterman who was excused; and Senators Cavanaugh, Hunt, Linehan, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Linehan - LB670

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Wednesday, March 27, 2019 1:30 p.m.

Don Arp Jr. - Nebraska Crime Commission

(Signed) Steve Lathrop, Chairperson

## Health and Human Services

Room 1510

Wednesday, March 6, 2019 1:00 p.m.

Office of Inspector General of Nebraska Child Welfare and Foster Care  
Review Board Briefing

Wednesday, March 6, 2019 1:30 p.m.

LB59  
LB518

Thursday, March 7, 2019 1:00 p.m.

Child Welfare Briefing

Thursday, March 7, 2019 1:30 p.m.

Lynette Kramer - Nebraska Rural Health Advisory Commission  
LB460  
LB328  
LB332

Wednesday, March 13, 2019 1:30 p.m.

Laeth Nasir - Nebraska Rural Health Advisory Commission  
LB654  
LB541  
LB559

Thursday, March 14, 2019 1:00 p.m.

Division of Public Health Briefing

Thursday, March 14, 2019 1:30 p.m.

Roger A. Wells - Nebraska Rural Health Advisory Commission  
LB62  
LB555  
LB692

Friday, March 15, 2019 1:30 p.m.

Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission  
LB653  
LB528

Wednesday, March 20, 2019 1:00 p.m.

Randy Boldt - Board of Emergency Medical Services  
John Bonta - Board of Emergency Medical Services  
Karen Bowlin - Board of Emergency Medical Services  
Ann Fiala - Board of Emergency Medical Services  
Michael Miller - Board of Emergency Medical Services  
Carl Rennerfeldt - Board of Emergency Medical Services

Wednesday, March 20, 2019 1:30 p.m.

LB135  
LB701  
LB347

Thursday, March 21, 2019 1:00 p.m.

Dannette R. Smith - Department of Health and Human Services

Thursday, March 21, 2019 1:30 p.m.

LB629  
LB735

Wednesday, March 27, 2019 1:00 p.m.

Health Care Cash Fund Briefing

Wednesday, March 27, 2019 1:30 p.m.

LB244  
LB499

(Signed) Sara Howard, Chairperson

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

Senator Walz filed the following amendment to LB449:

AM349

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 38-178, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 38-178 Except as otherwise provided in sections 38-1,119 to  
6 38-1,123, a credential to practice a profession may be denied, refused  
7 renewal, or have other disciplinary measures taken against it in  
8 accordance with section 38-185 or 38-186 on any of the following grounds:  
9 (1) Misrepresentation of material facts in procuring or attempting  
10 to procure a credential;

- 11 (2) Immoral or dishonorable conduct evidencing unfitness to practice  
 12 the profession in this state;
- 13 (3) Abuse of, dependence on, or active addiction to alcohol, any  
 14 controlled substance, or any mind-altering substance;
- 15 (4) Failure to comply with a treatment program or an aftercare  
 16 program, including, but not limited to, a program entered into under the  
 17 Licensee Assistance Program established pursuant to section 38-175;
- 18 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or  
 19 federal law, or (b) a crime in any jurisdiction which, if committed  
 20 within this state, would have constituted a misdemeanor or felony under  
 21 Nebraska law and which has a rational connection with the fitness or  
 22 capacity of the applicant or credential holder to practice the  
 23 profession;
- 24 (6) Practice of the profession (a) fraudulently, (b) beyond its  
 25 authorized scope, (c) with gross incompetence or gross negligence, or (d)  
 26 in a pattern of incompetent or negligent conduct;
- 27 (7) Practice of the profession while the ability to practice is  
 1 impaired by alcohol, controlled substances, drugs, mind-altering  
 2 substances, physical disability, mental disability, or emotional  
 3 disability;
- 4 (8) Physical or mental incapacity to practice the profession as  
 5 evidenced by a legal judgment or a determination by other lawful means;
- 6 (9) Illness, deterioration, or disability that impairs the ability  
 7 to practice the profession;
- 8 (10) Permitting, aiding, or abetting the practice of a profession or  
 9 the performance of activities requiring a credential by a person not  
 10 credentialed to do so;
- 11 (11) Performing or offering to perform scleral tattooing as defined  
 12 in section 4 of this act by a person not credentialed to do so;
- 13 ~~(12)~~ (11) Having had his or her credential denied, refused renewal,  
 14 limited, suspended, revoked, or disciplined in any manner similar to  
 15 section 38-196 by another state or jurisdiction based upon acts by the  
 16 applicant or credential holder similar to acts described in this section;
- 17 ~~(13)~~ (12) Use of untruthful, deceptive, or misleading statements in  
 18 advertisements, including failure to comply with section 38-124;
- 19 ~~(14)~~ (13) Conviction of fraudulent or misleading advertising or  
 20 conviction of a violation of the Uniform Deceptive Trade Practices Act;
- 21 ~~(15)~~ (14) Distribution of intoxicating liquors, controlled  
 22 substances, or drugs for any other than lawful purposes;
- 23 ~~(16)~~ (15) Violations of the Uniform Credentialing Act or the rules  
 24 and regulations relating to the particular profession;
- 25 ~~(17)~~ (16) Unlawful invasion of the field of practice of any  
 26 profession regulated by the Uniform Credentialing Act which the  
 27 credential holder is not credentialed to practice;
- 28 ~~(18)~~ (17) Violation of the Uniform Controlled Substances Act or any  
 29 rules and regulations adopted pursuant to the act;
- 30 ~~(19)~~ (18) Failure to file a report required by section 38-1,124,  
 31 38-1,125, or 71-552;
- 1 ~~(20)~~ (19) Failure to maintain the requirements necessary to obtain a

2 credential;  
3 ~~(21) (20)~~ Violation of an order issued by the department;  
4 ~~(22) (21)~~ Violation of an assurance of compliance entered into under  
5 section 38-1,108;  
6 ~~(23) (22)~~ Failure to pay an administrative penalty;  
7 ~~(24) (23)~~ Unprofessional conduct as defined in section 38-179; or  
8 ~~(25) (24)~~ Violation of the Automated Medication Systems Act.  
9 Sec. 2. Section 38-180, Reissue Revised Statutes of Nebraska, is  
10 amended to read:  
11 38-180 For purposes of subdivision ~~(12) (11)~~ of section 38-178, a  
12 certified copy of the record of denial, refusal of renewal, limitation,  
13 suspension, or revocation of a license, certificate, registration, or  
14 other similar credential or the taking of other disciplinary measures  
15 against it by another state or jurisdiction shall be conclusive evidence  
16 of a violation.  
17 Sec. 3. Section 38-1001, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:  
19 38-1001 Sections 38-1001 to 38-10,171 and section 4 of this act  
20 shall be known and may be cited as the Cosmetology, Electrology,  
21 Esthetics, Nail Technology, and Body Art Practice Act.  
22 Sec. 4. (1) For purposes of this section, scleral tattooing means  
23 the practice of using needles, scalpels, or other related equipment to  
24 produce an indelible mark or figure on the human eye by scarring or  
25 inserting a pigment on, in, or under:  
26 (a) The fornix conjunctiva;  
27 (b) The bulbar conjunctiva;  
28 (c) The ocular conjunctiva; or  
29 (d) Another ocular surface.  
30 (2) Except as provided in subsection (3) of this section, a person  
31 shall not perform or offer to perform scleral tattooing on another  
1 person.  
2 (3) This section does not apply to a person licensed to practice  
3 medicine and surgery or osteopathic medicine and surgery pursuant to the  
4 Uniform Credentialing Act when the licensee is performing a procedure  
5 within the scope of her or his practice.  
6 (4) In addition to the remedies authorized in section 38-140 or  
7 38-1,124, a person who performs scleral tattooing without being  
8 authorized to do so under the Uniform Credentialing Act shall be subject  
9 to a civil penalty not to exceed ten thousand dollars for each violation.  
10 If a violation continues after notification, this constitutes a separate  
11 offense. The civil penalties shall be assessed in a civil action brought  
12 for such purpose by the Attorney General in the district court of the  
13 county in which the violation occurred. Any civil penalty assessed and  
14 unpaid under this section shall constitute a debt to the State of  
15 Nebraska which may be collected in the manner of a lien foreclosure or  
16 sued for and recovered in any proper form of action in the name of the  
17 State of Nebraska in the district court of the county in which the  
18 violation resides or owns property. The department may also collect in  
19 such action attorney's fees and costs incurred in the collection of the

20 civil penalty. The department shall, within thirty days after receipt,  
 21 transmit any collected civil penalty to the State Treasurer to be  
 22 disposed of in accordance with Article VII, section 5, of the  
 23 Constitution of Nebraska.

24 Sec. 5. Section 38-2894, Reissue Revised Statutes of Nebraska, is  
 25 amended to read:

26 38-2894 (1) A registration to practice as a pharmacy technician may  
 27 be denied, refused renewal, removed, or suspended or have other  
 28 disciplinary measures taken against it by the department, with the  
 29 recommendation of the board, for failure to meet the requirements of or  
 30 for violation of any of the provisions of subdivisions (1) through ~~(18)~~  
 31 ~~(17)~~ and ~~(20)~~ ~~(19)~~ through ~~(25)~~ ~~(24)~~ of section 38-178 and sections  
 1 38-2890 to 38-2897 or the rules and regulations adopted under such  
 2 sections.

3 (2) If the department proposes to deny, refuse renewal of, or remove  
 4 or suspend a registration, it shall send the applicant or registrant a  
 5 notice setting forth the action to be taken and the reasons for the  
 6 determination. The denial, refusal to renew, removal, or suspension shall  
 7 become final thirty days after mailing the notice unless the applicant or  
 8 registrant gives written notice to the department of his or her desire  
 9 for an informal conference or for a formal hearing.

10 (3) Notice may be served by any method specified in section  
 11 25-505.01, or the department may permit substitute or constructive  
 12 service as provided in section 25-517.02 when service cannot be made with  
 13 reasonable diligence by any of the methods specified in section  
 14 25-505.01.

15 (4) Pharmacy technicians may participate in the Licensee Assistance  
 16 Program described in section 38-175.

17 Sec. 6. Original sections 38-178, 38-180, and 38-2894, Reissue  
 18 Revised Statutes of Nebraska, and section 38-1001, Revised Statutes  
 19 Cumulative Supplement, 2018, are repealed.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 27.** Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Jennifer and Ray O'Connor at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Jennifer and Ray O'Connor have transformed Central Nebraska, particularly the Highway 281 corridor in and around Grand Island, into an economic force with amenities that attract talent and business to the area. Ray's vision and planning abilities are only exceeded by his genuine humility and generosity. Ray has resurrected motels, restaurants, and storefronts from near failure to fabulous success. Jennifer's tireless volunteer work with local charitable organizations is renowned; and

WHEREAS, Jennifer graduated from Grand Island Senior High School and from the University of Nebraska at Kearney with a Bachelor of Science in business administration; and

WHEREAS, Ray graduated from Bishop Heelan Catholic High School in Sioux City, Iowa, and attended Wayne State College before enlisting in the U.S. Army to serve in Vietnam, returning to finish college and earn a Master of Social Work degree at the University of Nebraska-Lincoln; and

WHEREAS, Jennifer and Ray met in Grand Island where she served as recreation director at the Grand Island Veterans Home. They married in 1975, forming a formidable team; and

WHEREAS, Ray succeeded in founding the Olympic Village Shoe Store, rehabilitating a failing Wendy's restaurant and turning it into the 8th best Wendy's in the world, partnering in other restaurants, and creating a thriving real estate business; and

WHEREAS, Jennifer has served her community as a trustee for the Catholic Diocese of Grand Island and volunteers extensively to organize and raise funds to make the State Fair in Grand Island a great success; and

WHEREAS, Ray has served his community through the Grand Island Economic Development Corporation, Heartland Event Center, the Grow Grand Island Initiative, Central Community College Foundation, the Grand Island Chamber of Commerce, and the Hall County Convention and Visitors Bureau; and

WHEREAS, Jennifer and Ray have three children, Ryan, Sean, and Kelli, and six grandchildren.

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

1. That the Legislature congratulates Jennifer and Ray O'Connor as recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.
2. That a copy of this resolution be sent to Jennifer and Ray O'Connor.

Laid over.

**LEGISLATIVE RESOLUTION 28.** Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Ernest "Ernie" Weyeneth at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Ernie Weyeneth uses his financial investment expertise in many ways to serve Nebraska. Most notable is his leadership of the Richard P. Kimmel and Laurine Kimmel Charitable Foundation and his membership on the University of Nebraska Foundation Board of Trustees; and

WHEREAS, Ernie was born in McCook and raised on the farm, attended a country school before moving to McCook and graduating from McCook High School and McCook Community College. At the University of

Nebraska at Lincoln he earned a bachelor's degree in business administration with an emphasis in finance; and

WHEREAS, Ernie is a Vietnam veteran. He served in the United States Navy as a Hospital Corpsman and later in the U.S. Marine Corps, Second Marine Air Wing, as a Corpsman; and

WHEREAS, Ernie has worked in the investment business for over 45 years leading to his current position as Portfolio Manager and Senior Vice President at Stifel Financial; and

WHEREAS, Ernie has served as the President of the Richard P. Kimmel and Laurine Kimmel Charitable Foundation since 1986, directing programs and awarding grants emphasizing education, agriculture, art, and the humanities in Nebraska. In addition, the Foundation operates the Kimmel Harding Nelson Center for the Arts, an artist residency center in Nebraska City; and

WHEREAS, Ernie created the Kimmel Orchard and Vineyard Educational Foundation in 2011. The Foundation operates the historic Kimmel Orchard in Nebraska City, which was founded in 1925. The Foundation is dedicated to agricultural education research and historic preservation and provides a wholesome family experience. The Orchard also has a long-standing partnership with the University of Nebraska; and

WHEREAS, Ernie belongs to several civic and philanthropic organizations including the University of Nebraska Foundation Board of Trustees, the Optimist Club of Lincoln, the American Legion Post 276, Danbury, Nebraska, and is a member of First Plymouth Congregational Church. Over the years Ernie has received numerous recognitions and awards for both his professional work and civic involvement; and

WHEREAS, family has always been important to Ernie who has two sons, Len and Phil, and five grandsons.

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

1. That the Legislature congratulates Ernie Weyeneth as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to Ernie Weyeneth.

Laid over.

**LEGISLATIVE RESOLUTION 29.** Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Dr. Sara Brandes Crook at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Dr. Crook grew up on a Nebraska farm, attended a country church and a one-room school where she developed a deep appreciation for Nebraska and its people; and

WHEREAS, Dr. Crook is a graduate of the University of Nebraska and has taught Nebraska history and political science since 1984 as a professor at Peru State College, Nebraska's first college; and

WHEREAS, Dr. Crook has performed her program, "Nebraska's Winding Road to Statehood: In the Footsteps of a Female Settler", over 50 times as part of the Humanities Nebraska Speaker's Bureau; and

WHEREAS, Dr. Crook co-founded the Trails and Tales program, a history course for undergraduate and graduate students in education that includes travel to visit historic Nebraska sites; and

WHEREAS, Dr. Crook is the founder of the District History Day program at Peru State College and has served as the program's director for 33 years; and

WHEREAS, Dr. Crook is an active member in the Nebraska City community and on the campus of Peru State College making local foundations, boards, and civic organizations a priority; and

WHEREAS, Dr. Crook served six years on the Nebraska State Historical Society Board of Directors, two of those years as President, and served six years on the Board for Humanities Nebraska, including one year as Chair; and

WHEREAS, Dr. Crook has served on the Nebraska Hall of Fame Commission since 2009 and is currently working to place a Willa Cather statue at the U.S. Capitol Building in Washington, D.C.; and

WHEREAS, Dr. Crook was elected chair of the Nebraska Sesquicentennial Commission that organized and directed the year-long celebration of Nebraska's 150th anniversary of statehood in 2017; and

WHEREAS, Dr. Crook has received several honors including the P.E.O. Scholar Award, the Teaching Excellence Award from Peru State College, the Teaching Excellence Award from the Nebraska State College system, the 2002-2004 Honors Chair in the Humanities, and Addison Sheldon Memorial Award from the Nebraska State Historical Society; and

WHEREAS, Dr. Crook has lived on a farm in Otoe County with her husband John for the last 34 years. They have two daughters, two sons-in-law, and one granddaughter.

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

1. That the Legislature congratulates Dr. Sara Brandes Crook as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.

2. That a copy of this resolution be sent to Dr. Sara Brandes Crook.

Laid over.

**LEGISLATIVE RESOLUTION 30.** Introduced by Stinner, 48.

WHEREAS, Vera Dulaney served as the Scotts Bluff County Clerk for thirty-six years before retiring in 2018; and

WHEREAS, Vera facilitated the election process in Scotts Bluff County, where voter turnout peaked at seventy-two percent and reached sixty-one percent in a presidential election; and

WHEREAS, Vera was a faithful public servant possessing exceptional institutional knowledge and striving to protect the integrity of elections; and

WHEREAS, Vera also served her community through the West Nebraska Arts Center, the Western and Wildlife Art Show, and as an Oregon Trail Days board member for more than thirty years; and

WHEREAS, Vera received many awards throughout her life including the Community Volunteer Award for Public Service; and

WHEREAS, Vera continues to serve as a mentor for others and advocate for community involvement.

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

1. That the Legislature expresses its appreciation to Vera Dulaney for her service and dedication to Scotts Bluff County.
2. That the Legislature congratulates Vera Dulaney on her retirement.
3. That a copy of this resolution be sent to Vera Dulaney.

Laid over.

**LEGISLATIVE RESOLUTION 31.** Introduced by Stinner, 48.

WHEREAS, Paul Garcia and Devontae Gutierrez, students on the Scottsbluff High School wrestling team, each captured a first place finish during the 2019 Class B State Wrestling Championship. Paul, a sophomore, won the title in the 113-pound division. Devontae, a senior, won the title in the 145-pound division; and

WHEREAS, Quinton Chavez, a student on the Gering High School wrestling team, captured a first place finish at the 2019 Class B State Wrestling Championship. Quinton, a sophomore, won the title in the 106-pound division; and

WHEREAS, with these first place finishes, Paul and Devontae helped their team finish in the top ten, and Quinton helped his team finish in the top twenty at state; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Paul Garcia, Devontae Gutierrez, and Quinton Chavez on their state wrestling championships.
2. That copies of this resolution be sent to Paul Garcia, Devontae Gutierrez, and Quinton Chavez.

Laid over.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 430.** With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Lowe	Slama
Bolz	Dorn	Hilgers	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Walz
Brandt	Friesen	Howard	Morfeld	Wayne
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Chambers	Groene	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 5:

Cavanaugh	Hunt	Kolterman	Linehan	Vargas
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB430.

**GENERAL FILE**

**LEGISLATIVE BILL 155.** Title read. Considered.

Pending.

**ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 27, 2019, summarizing the recommended appropriations for the following biennium.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 27, 2019, at 9:15 a.m. was the following: LB430e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 603.** Placed on General File.

(Signed) Matt Williams, Chairperson

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

Room 1524

Thursday, March 7, 2019 1:30 p.m.

LB279  
LB670

(Signed) Lou Ann Linehan, Chairperson

Natural Resources

Room 1525

Wednesday, March 6, 2019 1:30 p.m.

Mary L. Mercure - Niobrara Council  
Michael S. Thede - Nebraska Ethanol Board  
LB700

Thursday, March 7, 2019 1:30 p.m.

LB367

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Final Reading.  
**LEGISLATIVE BILL 60.** Placed on Final Reading.  
**LEGISLATIVE BILL 74.** Placed on Final Reading.  
**LEGISLATIVE BILL 111.** Placed on Final Reading.  
**LEGISLATIVE BILL 200.** Placed on Final Reading.  
**LEGISLATIVE BILL 256.** Placed on Final Reading.  
**LEGISLATIVE BILL 302.** Placed on Final Reading.  
**LEGISLATIVE BILL 307.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Senator Pansing Brooks filed the following amendment to LB536:  
AM316

- 1 1. On page 3, strike beginning with "A" in line 12 through line 13.
- 2 2. On page 8, line 3, strike "(a)(1)" and insert "(b)(1)"; and in
- 3 line 4 strike "trustee" and insert "trust director".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 32.** Introduced by Pansing Brooks, 28; Howard, 9; McCollister, 20; Morfeld, 46; Quick, 35; Walz, 15; Williams, 36.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information between the brain and the body, and for which there is no cure; and

WHEREAS, although significant progress has been made in MS research, there are only sixteen disease-modifying treatments for the relapsing-remitting form of the disease and only one treatment for the primary-progressive form; and

WHEREAS, it is estimated that more than 2.3 million people in the world are currently living with MS; and

WHEREAS, it is estimated that more than 900,000 people in the United States are living with MS, including more than 4,000 people in Nebraska; and

WHEREAS, the National Multiple Sclerosis Society exists to help each person address the challenges of living with MS by funding cutting-edge research, facilitating professional education, and providing programs and services that help people with MS and their families move their lives forward; and

WHEREAS, MS Awareness Month is recognized annually in March to unite people in Nebraska, the United States, and worldwide in the fight to end MS, to create connections stronger than the ones MS destroys, and to educate people about MS and what they can do to make a difference.

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

- 1. That the Legislature recognizes March 2019 as MS Awareness Month in Nebraska.
- 2. That a copy of this resolution be sent to the Mid America Chapter of the National Multiple Sclerosis Society.

Laid over.

**COMMUNICATION**

Received communication from Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the reappointment of the following scientist to the Stem Cell Research Advisory Committee:

Dr. Alysson R. Muotri

**GENERAL FILE**

**LEGISLATIVE BILL 155.** Considered.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Brewer moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

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

Voting in the affirmative, 23:

Albrecht	Dorn	Groene	La Grone	Murman
Bostelman	Erdman	Halloran	Linehan	Slama
Brewer	Friesen	Hansen, B.	Lowe	Stinner
Briese	Geist	Hilgers	McDonnell	
Clements	Gragert	Hughes	Moser	

Voting in the negative, 8:

Hilkemann	Lathrop	Morfeld	Quick
Kolowski	McCollister	Pansing Brooks	Scheer

Present and not voting, 14:

Arch	Brandt	DeBoer	Vargas	Williams
Blood	Cavanaugh	Hansen, M.	Walz	Wishart
Bolz	Crawford	Lindstrom	Wayne	

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Howard          Hunt          Kolterman

Failed to advance to Enrollment and Review Initial with 23 ayes, 8 nays, 14 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 309.** Senator Chambers renewed his motion, MO17, found on page 611, to reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO17, to reconsider the vote. No objections. So ordered.

Senator La Grone offered his amendment, AM471, found on page 612.

Senator La Grone withdrew and refiled his amendment, AM471.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 309A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 281.** Placed on General File.

**LEGISLATIVE BILL 6.** Placed on General File with amendment.  
AM381

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

2 sections:

3 Section 1. Section 85-502, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 85-502 Rules and regulations established by the governing board of  
6 each state postsecondary educational institution shall require as a

7 minimum that a person is not deemed to have established a residence in  
8 this state, for purposes of sections 85-501 to 85-504, unless:

9 (1) Such person is of legal age or is an emancipated minor and has  
10 established a home in Nebraska where he or she is habitually present for  
11 a minimum period of one hundred eighty days, with the bona fide intention  
12 of making this state his or her permanent residence, supported by  
13 documentary proof;

14 (2) The parents, parent, or guardian having custody of a minor  
15 registering in the educational institution have established a home in  
16 Nebraska where such parents, parent, or guardian are or is habitually  
17 present with the bona fide intention to make this state their, his, or  
18 her permanent residence, supported by documentary proof. If a student has  
19 matriculated in any state postsecondary educational institution while his  
20 or her parents, parent, or guardian had an established home in this  
21 state, and the parents, parent, or guardian ceases to reside in the  
22 state, such student shall not thereby lose his or her resident status if  
23 such student has the bona fide intention to make this state his or her  
24 permanent residence, supported by documentary proof;

25 (3) Such student is of legal age and is a dependent for federal  
26 income tax purposes of a parent or former guardian who has established a  
27 home in Nebraska where he or she is habitually present with the bona fide  
1 intention of making this state his or her permanent residence, supported  
2 by documentary proof;

3 (4) Such student is a nonresident of this state prior to marriage  
4 and marries a person who has established a home in Nebraska where he or  
5 she is habitually present with the bona fide intention of making this  
6 state his or her permanent residence, supported by documentary proof;

7 (5) Except as provided in subdivision (9) of this section, such  
8 student, if an alien, has applied to or has a petition pending with the  
9 United States Immigration and Naturalization Service to attain lawful  
10 status under federal immigration law and has established a home in  
11 Nebraska for a period of at least one hundred eighty days where he or she  
12 is habitually present with the bona fide intention to make this state his  
13 or her permanent residence, supported by documentary proof;

14 (6) Such student is a staff member or a dependent of a staff member  
15 of the University of Nebraska, one of the Nebraska state colleges, or one  
16 of the community college areas who joins the staff immediately prior to  
17 the beginning of a term from an out-of-state location;

18 ~~(7)(a) (7)~~ Such student is on active duty with the armed services of  
19 the United States and has been assigned a permanent duty station in  
20 Nebraska; or

21 (b) Such student is a spouse or legal dependent of a person who was  
22 on active duty with the armed services of the United States assigned to a  
23 permanent duty station in Nebraska at the time such student was accepted  
24 for admission to the state postsecondary educational institution and such  
25 student remains continually enrolled at such state postsecondary  
26 educational institution;

27 (8) Such student is currently serving in the Nebraska National  
28 Guard; or

29 (9)(a) Such student resided with his or her parent, guardian, or  
30 conservator while attending a public or private high school in this state  
31 and:

- 1 (i) Graduated from a public or private high school in this state or  
2 received the equivalent of a high school diploma in this state;
  - 3 (ii) Resided in this state for at least three years before the date  
4 the student graduated from the high school or received the equivalent of  
5 a high school diploma;
  - 6 (iii) Registered as an entering student in a state postsecondary  
7 educational institution not earlier than the 2006 fall semester; and
  - 8 (iv) Provided to the state postsecondary educational institution an  
9 affidavit stating that he or she will file an application to become a  
10 permanent resident at the earliest opportunity he or she is eligible to  
11 do so.
  - 12 (b) If the parent, guardian, or conservator with whom the student  
13 resided ceases to reside in the state, such student shall not lose his or  
14 her resident status under this subdivision if the student has the bona  
15 fide intention to make this state his or her permanent residence,  
16 supported by documentary proof.
- 17 Sec. 2. Original section 85-502, Revised Statutes Cumulative  
18 Supplement, 2018, is repealed.

(Signed) Mike Groene, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 80.** Placed on Final Reading.  
**LEGISLATIVE BILL 81.** Placed on Final Reading.  
**LEGISLATIVE BILL 192.** Placed on Final Reading.  
**LEGISLATIVE BILL 192A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

#### **CONFLICT OF INTEREST STATEMENT**

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

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

Senator Briese filed the following amendment to LB183:  
FA17  
Amend AM158  
Line 14, strike thirty and replace with fifty.

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

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

Senator Halloran name added to LB54.  
Senator Clements name added to LB147.  
Senator Halloran name added to LB147.  
Senator Albrecht name added to LB147.  
Senator Brewer name added to LB198.  
Senator Dorn name added to LB209.  
Senator Brewer name added to LB325.  
Senator Brewer name added to LB343.  
Senator Lowe name added to LB445.  
Senator Halloran name added to LB582.  
Senator Wayne name added to LB611.

**VISITOR(S)**

Visitors to the Chamber were Roberto Castellano from Italy; a group of constituents from Legislative District 43; students from David City and Bellwood; members of the Urban League of Young Professionals; and members from Americans for Prosperity from across the state.

The Doctor of the Day was Dr. Michelle Sell from Columbus.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-THIRD DAY - FEBRUARY 28, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 28, 2019

**PRAYER**

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

**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 Bolz, Cavanaugh, Groene, M. Hansen, McCollister, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Chambers - LB44

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR25 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR25.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 27.** Read. Considered.

LR27 was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 28.** Read. Considered.

LR28 was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**LEGISLATIVE RESOLUTION 29.** Read. Considered.

LR29 was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 183.** Senator Wayne withdrew his motion, MO11, found on page 492, to bracket until April 1, 2019.

Senator Crawford withdrew her amendment, FA5, found on page 494.

Senator Briese withdrew his amendment, FA17, found on page 631.

Senator Briese offered the following amendment to the committee amendment:

AM517

(Amendments to Standing Committee amendments, AM158)

- 1 1. On page 1, lines 14 and 25, strike "thirty" and insert "fifty".
- 2 2. On page 3, lines 10 and 15, strike "twenty-four to thirty" and
- 3 insert "forty-four to fifty".

**SPEAKER SCHEER PRESIDING**

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 27, 28, and 29.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 454.** Placed on General File with amendment.

AM501

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

3 Section 1. Section 81-885.13, Revised Statutes Cumulative  
4 Supplement, 2018, is amended to read:  
5 81-885.13 ~~(1)(a)~~ ~~(4)~~ No broker's or salesperson's license shall be  
6 issued to any person who has not attained the age of nineteen years.  
7 ~~(b)~~ No broker's or salesperson's license shall be issued to any  
8 person who is not a graduate of a public or private high school graduate  
9 or the holder of a certificate of high school equivalency. This  
10 subdivision does not apply to: (i) A person who is a graduate of a school  
11 exempt from the State Department of Education requirements under section  
12 79-1601 or an equivalent exempt school or home school program from  
13 another jurisdiction; or (ii) a person who has completed a program of  
14 education acceptable to the commission.  
15 (2) Each applicant for a salesperson's license shall furnish  
16 evidence that he or she has completed two courses in real estate  
17 subjects, approved by the commission, composed of not less than sixty  
18 class hours of study or, in lieu thereof, courses delivered in a distance  
19 education format approved by the commission.  
20 (3) Each applicant for a broker's license shall either (a) have  
21 first served actively for two years as a licensed salesperson or broker  
22 and shall furnish evidence of completion of sixty class hours in addition  
23 to the hours required by subsection (2) of this section in a course of  
24 study approved by the commission or, in lieu thereof, courses delivered  
25 in a distance education format approved by the commission, or (b) furnish  
26 a certificate that he or she has passed a course of at least eighteen  
27 credit hours in subjects related to real estate at an accredited  
1 university or college, or completed six courses in real estate subjects  
2 composed of not less than one hundred eighty class hours in a course of  
3 study approved by the commission or, in lieu thereof, courses delivered  
4 in a distance education format approved by the commission.  
5 (4) Each applicant for a broker's license must pass a written  
6 examination covering generally the matters confronting real estate  
7 brokers, and each applicant for a salesperson's license must pass a  
8 written examination covering generally the matters confronting real  
9 estate salespersons. Such examination may be taken before the commission  
10 or any person designated by the commission. Failure to pass the  
11 examination shall be grounds for denial of a license without further  
12 hearing. Within thirty days after passing the examination the applicant  
13 must complete all requirements necessary for the issuance of a license.  
14 The commission may prepare and distribute to licensees under the Nebraska  
15 Real Estate License Act informational material deemed of assistance in  
16 the conduct of their business.  
17 (5) An applicant for an original broker's or salesperson's license  
18 shall be subject to fingerprinting and a check of his or her criminal  
19 history record information maintained by the Federal Bureau of  
20 Investigation through the Nebraska State Patrol. After filing application  
21 for a license, each applicant shall furnish directly to the Nebraska  
22 State Patrol, or to a fingerprint processing service that may be selected  
23 by the commission for this purpose, a full set of fingerprints to enable  
24 a criminal background investigation to be conducted. The applicant shall

25 request that the Nebraska State Patrol submit the fingerprints to the  
 26 Federal Bureau of Investigation for a national criminal history record  
 27 check. The applicant shall pay the actual cost, if any, of the  
 28 fingerprinting and check of his or her criminal history record  
 29 information. The applicant shall authorize release of the national  
 30 criminal history record check to the commission.

31 (6) Courses of study, referred to in subsections (2) and (3) of this  
 1 section, shall include courses offered by private proprietary real estate  
 2 schools when such courses are prescribed by the commission and are taught  
 3 by instructors approved by the commission. The commission shall monitor  
 4 schools offering approved real estate courses and for good cause shall  
 5 have authority to suspend or withdraw approval of such courses or  
 6 instructors.

7 Sec. 2. Original section 81-885.13, Revised Statutes Cumulative  
 8 Supplement, 2018, is repealed.

(Signed) Matt Williams, Chairperson

Health and Human Services

**LEGISLATIVE BILL 260.** Placed on General File.

**LEGISLATIVE BILL 726.** Placed on General File.

(Signed) Sara Howard, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

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

Cherlyn Hunt - Nebraska Rural Health Advisory Commission  
 Kyle Klammer - Nebraska Rural Health Advisory Commission  
 Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

Aye: 7 Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 33.** Introduced by Kolterman, 24; Stinner, 48; Williams, 36.

WHEREAS, Leadership Nebraska was founded in 2006 by the State Chamber to identify current and emerging leaders throughout Nebraska,

enhance their leadership skills, and deepen their knowledge of the challenges and opportunities facing our state; and

WHEREAS, Leadership Nebraska is nine months of intense engagement in discussion and debate, travel across the state, and cultural immersion designed to develop solutions to the most pressing issues facing our communities and state; and

WHEREAS, Senator Sara Howard exemplifies leadership qualities as Chair of the Health and Human Services Committee of the Legislature; on the boards of the Omaha Public Schools Foundation, the New Leaders Council Omaha, and CHI Health Metro Community; on the executive committees of the National Conference of State Legislatures and the Midwestern Legislative Conference for the Council of State Governments; as co-chair of the steering committee of the Bowhay Institute for Legislative Leadership Development for the Council of State Governments and of the 2019 Heat the Streets Run and Walk for Warmth; and on the advisory boards for the UNO-UNMC transition and the Child Health Research Institute; and

WHEREAS, Senator Sara Howard has been awarded many leadership honors, including the Women in Government Leadership Program from the Governing Institute, the Health Center Advocate of the Year, the 2018 Women in Politics Making a Difference Award from the Women's Legislative Network of the National Conference of State Legislatures, the IBEW Richard Nolan Memorial Service Award, the NeHII Health Information Technology Visionary Award, the Healthy Homes Star Award from the Healthy Kids Alliance, the Milo Mumgaard Emerging Leader Award from Nebraska Appleseed, the 40 Under 40 Award from Midlands Business Journal, and the Eleanor Roosevelt Rising Star Award from the Douglas County Democratic party; and

WHEREAS, Senator Sara Howard graduated from the Leadership Nebraska program, Class XI, on February 19, 2019.

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

1. That the Legislature recognizes and congratulates Senator Sara Howard for her leadership skills and abilities and continuing commitment to leadership.
2. That the Legislature encourages Nebraskans to be leaders in their communities.

Laid over.

**LEGISLATIVE RESOLUTION 34.** Introduced by Hilkemann, 4.

WHEREAS, in Nebraska there are individuals and families who are adversely affected by gambling addiction; and

WHEREAS, Nebraska allocates funds to provide education, counseling, and assistance to individuals and families affected by gambling addiction; and

WHEREAS, the key to recognizing gambling addiction is awareness; and

WHEREAS, educating citizens about gambling and the risks of gambling addiction is crucial to preventing problems that result from unrestrained gambling.

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

1. That the Legislature recognizes March 2019 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Problem Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

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

Senator Hilkemann filed the following motion to LB715:  
MO18  
Withdraw bill.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 48.** Placed on Select File.

**LEGISLATIVE BILL 112.** Placed on Select File with amendment.  
ER42

- 1 1. On page 1, line 4, after "define" insert "and redefine".
- 2 2. On page 5, line 12, after the comma insert "and".

**LEGISLATIVE BILL 112A.** Placed on Select File.

**LEGISLATIVE BILL 29.** Placed on Select File.

**LEGISLATIVE BILL 575.** Placed on Select File.

**LEGISLATIVE BILL 125.** Placed on Select File with amendment.  
ER41

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 29-119, Revised Statutes Cumulative Supplement,
- 4 2018, is amended to read:
- 5 29-119 For purposes of this section and sections 23-1201, 29-120,
- 6 and 29-2261, unless the context otherwise requires:
- 7 (1) A plea agreement means that as a result of a discussion between
- 8 the defense counsel and the prosecuting attorney:
- 9 (a) A charge is to be dismissed or reduced; or
- 10 (b) A defendant, if he or she pleads guilty to a charge, may receive
- 11 less than the maximum penalty permitted by law; and
- 12 (2)(a) Victim means a person who has had a personal confrontation
- 13 with an offender as a result of a homicide under sections 28-302 to
- 14 28-306, a first degree assault under section 28-308, a second degree

15 assault under section 28-309, a third degree assault under section 28-310  
 16 when the victim is an intimate partner as defined in section 28-323, a  
 17 first degree false imprisonment under section 28-314, a first degree  
 18 sexual assault under section 28-319, a sexual assault of a child in the  
 19 first degree under section 28-319.01, a second or third degree sexual  
 20 assault under section 28-320, a sexual assault of a child in the second  
 21 or third degree under section 28-320.01, domestic assault in the first,  
 22 second, or third degree under section 28-323, or a robbery under section  
 23 28-324. Victim also includes a person who has suffered serious bodily  
 24 injury as defined in section 28-109 as a result of a motor vehicle  
 25 accident when the driver was charged with a violation of section 60-6,196  
 26 or 60-6,197 or with a violation of a city or village ordinance enacted in  
 27 conformance with either section.

1 (b) In the case of a homicide, victim means the nearest surviving  
 2 relative under the law as provided by section 30-2303 but does not  
 3 include the alleged perpetrator of the homicide.

4 (c) In the case of a violation of section 28-813.01, 28-1463.03,  
 5 28-1463.04, or 28-1463.05, victim means a person who was a child as  
 6 defined in section 28-1463.02 and a participant or portrayed observer in  
 7 the visual depiction of sexually explicit conduct which is the subject of  
 8 the violation and who has been identified and can be reasonably notified.

9 (d) In the case of a sexual assault of a child, a possession offense  
 10 of a visual depiction of sexually explicit conduct, or a distribution  
 11 offense of a visual depiction of sexually explicit conduct, victim means  
 12 the child victim and the parents, guardians, or duly appointed legal  
 13 representative of the child victim but does not include the alleged  
 14 perpetrator of the crime.

15 (e) Victim also includes a person who was the victim of a theft  
 16 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the  
 17 thing involved is five thousand dollars or more and (ii) the victim and  
 18 perpetrator were intimate partners as defined in section 28-323.

19 Sec. 2. Original section 29-119, Revised Statutes Cumulative  
 20 Supplement, 2018, is repealed.

21 2. On page 1, line 2, strike "a term" and insert "victim".

**LEGISLATIVE BILL 399.** Placed on Select File with amendment.  
 ER43

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 79-724 It is the responsibility of society to ensure that youth are  
 6 given the opportunity to become competent, responsible, patriotic, and  
 7 civil citizens to ensure An informed, loyal, just, and patriotic  
 8 citizenry is necessary to a strong, stable, just, and prosperous America.  
 9 Such a citizenry necessitates that every member thereof be knowledgeable  
 10 of our fully acquainted with the nation's history, government, geography,  
 11 and economic system. The youth in our state should be committed to the  
 12 ideals and values of our country's democracy and the constitutional

13 republic established by the people. Schools should help prepare our youth  
14 to make informed and reasoned decisions for the public good. Civic  
15 competence is necessary to sustain and improve our democratic way of life  
16 and must be taught in all public, private, denominational, and parochial  
17 schools. A central role of schools is to impart civic knowledge and  
18 skills that help our youth to see the relevance of a civic dimension for  
19 their lives. Students should be made ~~and that he or she be in full accord~~  
20 with our form of government and fully aware of the liberties,  
21 opportunities, and advantages we possess of which we are possessed and  
22 the sacrifices and struggles of those through whose efforts these  
23 benefits were gained. Since young people are youth is the time most  
24 susceptible to the acceptance of principles and doctrines that will  
25 influence them ~~men and women~~ throughout their lives, it is one of the  
26 first duties of our educational system to conduct its activities, choose  
27 its textbooks, and arrange its curriculum in such a way that the youth of  
1 our state have the opportunity to become competent, responsible,  
2 patriotic, and civil American citizens love of liberty, justice,  
3 democracy, and America will be instilled in the hearts and minds of the  
4 youth of the state.

5 (1) The Every school board of each school district shall, at the  
6 beginning of each calendar ~~school~~ year, appoint from its members a  
7 committee of three, to be known as the committee on American civics  
8 Americanism. The committee on American civics ~~Americanism~~ shall:  
9 (a) Hold no fewer than two public meetings annually, at least one  
10 where public testimony is accepted;  
11 (b) Keep minutes of each meeting showing the time and place of the  
12 meeting, which members were present or absent, and the substance and  
13 details of all matters discussed;  
14 (c) Carefully examine and ensure that the social studies curriculum  
15 used in the district is aligned to the social studies standards adopted  
16 pursuant to section 79-760.01 and teaches foundational knowledge in  
17 civics, history, economics, financial literacy, and geography;  
18 (d) Review and approve the social studies curriculum to ensure that  
19 it stresses ~~(a) Carefully examine, inspect, and approve all textbooks~~  
20 used in the teaching of American history and civil government in the  
21 school. Such textbooks shall adequately stress the services of the men  
22 and women who achieved our national independence, established our  
23 constitutional government, and preserved our union and ~~is shall be~~ so  
24 written to include the incorporation of multicultural education as set  
25 forth in sections 79-719 to 79-723 so ~~contributions by ethnic groups~~ as  
26 to develop a pride and respect for our institutions and not be a mere  
27 recital of events and dates;  
28 (e) Ensure that any curriculum recommended or approved by the  
29 committee on American civics is made readily accessible to the public and  
30 contains a reference to this section;  
31 (f) Ensure that the district develops and utilizes formative,  
1 interim, and summative assessments to measure student mastery of the  
2 social studies standards adopted pursuant to section 79-760.01;  
3 (g) Ensure that the social studies curriculum in the district

4 incorporates one or more of the following for each student:  
5 (i) Administration of a written test that is identical to the entire  
6 civics portion of the naturalization test used by United States  
7 Citizenship and Immigration Services prior to the completion of eighth  
8 grade and again prior to the completion of twelfth grade with the  
9 individual score from each test for each student made available to a  
10 parent or guardian of such student; or  
11 (ii) Attendance or participation between the commencement of eighth  
12 grade and completion of twelfth grade in a meeting of a public body as  
13 defined by section 84-1409 followed by the completion of a project or  
14 paper in which each student demonstrates or discusses the personal  
15 learning experience of such student related to such attendance or  
16 participation; or  
17 (iii) Completion of a project or paper and a class presentation  
18 between the commencement of eighth grade and the completion of twelfth  
19 grade on a person or persons or an event commemorated by a holiday listed  
20 in subdivision (6) of this section or on a topic related to such person  
21 or persons or event; and  
22 ~~(b) Assure themselves as to the character of all teachers employed~~  
23 ~~and their knowledge and acceptance of the American form of government;~~  
24 ~~and~~  
25 ~~(h) (e) Take all such other steps as will assure the carrying out of~~  
26 ~~the provisions of this section and provide a report to the school board~~  
27 ~~regarding the committee's findings and recommendations.~~  
28 (2) All social studies ~~American history~~ courses approved for grade  
29 levels as provided by this section shall include and adequately stress  
30 contributions of all ethnic groups (a) to the development and growth of  
31 America into a great nation, (b) to art, music, education, medicine,  
1 literature, science, politics, and government, and (c) to the war  
2 services in all wars of this nation.  
3 (3) All grades of all public, private, denominational, and parochial  
4 schools, below the sixth grade, shall devote at least one hour per week  
5 to exercises or teaching periods for the following purpose:  
6 (a) The discussion ~~recital~~ of stories having to do with American  
7 history or the deeds and exploits of American heroes;  
8 (b) The historical background, memorization, and singing of  
9 patriotic songs such as ~~and the insistence that every pupil memorize the~~  
10 Star-Spangled Banner and America the Beautiful; ~~and~~  
11 (c) The development of respect ~~reverence~~ for the American flag as a  
12 symbol of freedom and the sacrifices of those who secured that freedom;  
13 and  
14 (d) Instruction ~~instruction~~ as to proper conduct in the its  
15 presentation of the American flag.  
16 (4) In at least two of the three grades from the fifth grade to the  
17 eighth grade in all public, private, denominational, and parochial  
18 schools, time at least three periods per week shall be set aside for to  
19 be devoted to the teaching of American history from the social studies  
20 curriculum approved textbooks, which shall be taught in such a way that  
21 all students are given the opportunity to (a) become competent,

22 responsible, patriotic, and civil citizens who possess a deep  
 23 understanding of and respect for the United States Constitution and the  
 24 Constitution of Nebraska and (b) prepare to preserve, protect, and defend  
 25 freedom and democracy in our nation and our world as to make the course  
 26 interesting and attractive and to develop a love of country.

27 (5) In at least two courses in grades of every high school, time at  
 28 least three periods per week shall be devoted to the teaching of civics  
 29 and American history as outlined in the social studies standards adopted  
 30 pursuant to section 79-760.01, during which courses specific attention  
 31 shall be given to the following matters:

1 (a) The Declaration of Independence, the United States Constitution,  
 2 and the Constitution of Nebraska, and the structure and function of local  
 3 government in this state;

4 (b) The benefits and advantages of our form of government, and the  
 5 rights and responsibilities of citizenship in our government, and the  
 6 dangers and fallacies of forms of government that restrict individual  
 7 freedoms or possess antidemocratic ideals such as, but not limited to,  
 8 Nazism and communism; dangers and fallacies of Nazism, Communism, and  
 9 similar ideologies; and

10 (c) The duties of citizenship, including active participation in the  
 11 improvement of a citizen's community, state, country, and world and the  
 12 value and practice of civil discourse between opposing interests; and -

13 (d) The application of knowledge in civics, history, economics,  
 14 financial literacy, and geography in order to address meaningful issues  
 15 within our society.

16 (6) Appropriate patriotic exercises suitable to the occasion shall  
 17 be held under the direction of the superintendent in every public,  
 18 private, denominational, and parochial school on George Washington's  
 19 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
 20 birthday, Native American Heritage Day, Constitution Day, Memorial Day,  
 21 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's  
 22 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans  
 23 Day, or on the day preceding or following such holiday, if the school is  
 24 in session.

25 (7) Every school board, the State Board of Education, and the  
 26 superintendent of each school district in the state shall be held  
 27 directly responsible in the order named for carrying out this section,  
 28 and neglect thereof by any employee or appointed official shall be  
 29 considered a dereliction of duty and may be considered a cause for  
 30 dismissal.

31 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is  
 1 amended to read:

2 79-727 The State Board of Education shall adopt and promulgate  
 3 rules and regulations to carry out the provisions of sections 79-724  
 4 through 79-726. The State Department of Education shall ensure that all  
 5 requirements of such sections and such rules and regulations are carried  
 6 out by each school district Any person violating the provisions of  
 7 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.

8 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised

9 Statutes of Nebraska, are repealed.

10 2. On page 1, line 2, after "name" insert "of".

**LEGISLATIVE BILL 309.** Placed on Select File.

**LEGISLATIVE BILL 309A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**PRESIDENT FOLEY PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 183.** The Briese amendment, AM517, found in this day's Journal, to the committee amendment, was renewed.

The Briese amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Committee AM158, found on page 424 and considered on pages 487, 490, and 492, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Albrecht	Clements	Groene	Kolterman	Moser
Arch	Crawford	Halloran	La Grone	Murman
Bostelman	Dorn	Hansen, B.	Linehan	Slama
Brandt	Erdman	Hilgers	Lowe	Vargas
Brewer	Geist	Hilkemann	McCollister	Williams
Briese	Gragert	Hughes	McDonnell	

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Blood	Howard	Lathrop	Pansing Brooks	Wishart
Bolz	Hunt	Lindstrom	Quick	
Friesen	Kolowski	Morfeld	Wayne	

Excused and not voting, 6:

Cavanaugh	Hansen, M.	Stinner
DeBoer	Scheer	Walz

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 318.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**MOTION(S) - Return LB1 to Select File**

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA18

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1.**

A BILL FOR AN ACT relating to the Water Funding Task Force; to repeal provisions relating to the task force that terminated on December 31, 2013; and to outright repeal sections 50-504, 50-505, 50-506, 50-507, and 50-508, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner           Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to the McGruff House program; to repeal provisions that are obsolete relating to a program that ended in 2012; and to outright repeal section 43-3201, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner           Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to appropriations; to amend section 85-1418, Reissue Revised Statutes of Nebraska, and sections 13-518 and 85-1503, Revised Statutes Cumulative Supplement, 2018; to repeal provisions that are obsolete; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-517, 90-535, 90-536, 90-537, 90-538, 90-539, and 90-541, Reissue Revised Statutes of Nebraska, and sections 90-542, 90-543, 90-544, 90-545, 90-546, 90-547, 90-548, 90-549, 90-550, 90-551, 90-552, 90-553, 90-554, 90-555, 90-556, 90-557, 90-559,

and 90-560, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 12.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner          Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 49.**

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to firm ownership; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner          Walz

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 67.**

A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Moser
Arch	Crawford	Hansen, B.	La Grone	Murman
Blood	DeBoer	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Scheer
Bostelman	Erdman	Hilkemann	Linehan	Slama
Brandt	Friesen	Howard	Lowe	Vargas
Briese	Geist	Hughes	McCollister	Wayne
Cavanaugh	Gragert	Hunt	McDonnell	Williams
Chambers	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Brewer            Pansing Brooks

Excused and not voting, 2:

Stinner            Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 77.**

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.27, 76-2207.30, 76-2222, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, 76-3203, 76-3203.01, 76-3204, and 76-3216, Reissue Revised Statutes of Nebraska; to change provisions of the Real Property Appraiser Act and alphabetize and redefine terms in the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	La Grone	Murman
Arch	Crawford	Hansen, M.	Lathrop	Pansing Brooks
Blood	DeBoer	Hilgers	Lindstrom	Quick
Bolz	Dorn	Hilkemann	Linehan	Scheer
Bostelman	Erdman	Howard	Lowe	Slama
Brandt	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Hunt	McDonnell	Williams
Cavanaugh	Gragert	Kolowski	Morfeld	Wishart
Chambers	Halloran	Kolterman	Moser	

Voting in the negative, 0.

Present and not voting, 3:

Brewer	Groene	Wayne
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Excused and not voting, 2:

Stinner	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB33 with 39 ayes, 7 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 33.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1243,

72-1277, 72-1278, and 84-1502, Reissue Revised Statutes of Nebraska, and sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board; to change findings and comprehensive review provisions relating to the achieving a better life experience program; to eliminate obsolete language regarding formula annuity retirement allowances under the School Employees Retirement Act; to provide a public records exception as prescribed under the Class V School Employees Retirement Act; to increase the board member per diem and change duties relating to competitive bidding of the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner	Walz
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 33A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner           Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB79 with 39 ayes, 5 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 79. With Emergency Clause.**

A BILL FOR AN ACT relating to transportation; to amend sections 60-107, 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes Cumulative Supplement, 2018; to allow for electronic images of registration certificates; to change provisions relating to the distribution of certain registration fees; to adopt and update references to certain federal provisions relating to cabin trailers, low-speed vehicles, handicapped or disabled parking, motor vehicle and trailer registration, the International Registration Plan, operators' licenses and state identification cards, persons handling source documents, commercial motor vehicles, hazardous materials, occupant protection systems and three-point safety belt systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records,

motor carrier and hazardous material regulations and their enforcement, and the unified carrier registration plan and agreement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner           Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, 12, 49, 67, 77, 33, 33A, and 79.

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

Senator Quick filed the following amendment to LB364:

AM475

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

2 sections:

3 Section 1. Section 48-120, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 48-120 (1)(a) The employer is liable for all reasonable medical,

6 surgical, and hospital services, including plastic surgery or

7 reconstructive surgery but not cosmetic surgery when the injury has

8 caused disfigurement, appliances, supplies, prosthetic devices, and

9 medicines as and when needed, which are required by the nature of the

10 injury and which will relieve pain or promote and hasten the employee's

11 restoration to health and employment, and includes damage to or  
12 destruction of artificial members, dental appliances, teeth, hearing  
13 instruments, and eyeglasses, but, in the case of dental appliances,  
14 hearing instruments, or eyeglasses, only if such damage or destruction  
15 resulted from an accident which also caused personal injury entitling the  
16 employee to compensation therefor for disability or treatment, subject to  
17 the approval of and regulation by the Nebraska Workers' Compensation  
18 Court, not to exceed the regular charge made for such service in similar  
19 cases.

20 (b) Except as provided in section 48-120.04, the compensation court  
21 shall establish schedules of fees for such services and for any opinion  
22 or report addressing the medical condition, causation, or disability. The  
23 compensation court shall review such schedules at least biennially and  
24 adopt appropriate changes when necessary. The compensation court may  
25 contract with any person, firm, corporation, organization, or government  
26 agency to secure adequate data to establish such fees. The compensation  
27 court shall publish and furnish to the public the fee schedules  
1 established pursuant to this subdivision and section 48-120.04. The  
2 compensation court may establish and charge a fee to recover the cost of  
3 published fee schedules.

4 (c) Reimbursement for inpatient hospital services provided by  
5 hospitals located in or within fifteen miles of a Nebraska city of the  
6 metropolitan class or primary class and by other hospitals with fifty-one  
7 or more licensed beds shall be according to the Diagnostic Related Group  
8 inpatient hospital fee schedule or the trauma services inpatient hospital  
9 fee schedule established in section 48-120.04.

10 (d) A workers' compensation insurer, risk management pool, self-  
11 insured employer, or managed care plan certified pursuant to section  
12 48-120.02 may contract with a provider or provider network for medical,  
13 surgical, or hospital services. Such contract may establish fees for  
14 services different than the fee schedules established under subdivision  
15 (1)(b) of this section or established under section 48-120.04. Such  
16 contract shall be in writing and mutually agreed upon prior to the date  
17 services are provided.

18 (e) The provider or supplier of such services shall not collect or  
19 attempt to collect from any employer, insurer, government, or injured  
20 employee or dependent or the estate of any injured or deceased employee  
21 any amount in excess of (i) the fee established by the compensation court  
22 under subdivision (1)(b) of this section for any such service or for any  
23 opinion or report addressing the medical condition, causation, or  
24 disability, (ii) the fee established under section 48-120.04, or (iii)  
25 the fee contracted under subdivision (1)(d) of this section, including  
26 any finance charge or late penalty.

27 (2)(a) The employee has the right to select a physician who has  
28 maintained the employee's medical records prior to an injury and has a  
29 documented history of treatment with the employee prior to an injury or a  
30 physician who has maintained the medical records of an immediate family  
31 member of the employee prior to an injury and has a documented history of  
1 treatment with an immediate family member of the employee prior to an

2 injury. For purposes of this subsection, immediate family member means  
3 the employee's spouse, children, parents, stepchildren, and stepparents.  
4 The employer shall notify the employee following an injury of such right  
5 of selection in a form and manner and within a timeframe established by  
6 the compensation court. If the employer fails to notify the employee of  
7 such right of selection or fails to notify the employee of such right of  
8 selection in a form and manner and within a timeframe established by the  
9 compensation court, then the employee has the right to select a  
10 physician. If the employee fails to exercise such right of selection in a  
11 form and manner and within a timeframe established by the compensation  
12 court following notice by the employer pursuant to this subsection, then  
13 the employer has the right to select the physician. If selection of the  
14 initial physician is made by the employee or employer pursuant to this  
15 subsection following notice by the employer pursuant to this subsection,  
16 the employee or employer shall not change the initial selection of  
17 physician made pursuant to this subsection unless such change is agreed  
18 to by the employee and employer or is ordered by the compensation court  
19 pursuant to subsection (6) of this section. If compensability is denied  
20 by the workers' compensation insurer, risk management pool, or self-  
21 insured employer, (i) the employee has the right to select a physician  
22 and shall not be made to enter a managed care plan and (ii) the employer  
23 is liable for medical, surgical, and hospital services subsequently found  
24 to be compensable. If the employer has exercised the right to select a  
25 physician pursuant to this subsection and if the compensation court  
26 subsequently orders reasonable medical services previously refused to be  
27 furnished to the employee by the physician selected by the employer, the  
28 compensation court shall allow the employee to select another physician  
29 to furnish further medical services. If the employee selects a physician  
30 located in a community not the home or place of work of the employee and  
31 a physician is available in the local community or in a closer community,  
1 no travel expenses shall be required to be paid by the employer or his or  
2 her workers' compensation insurer.

3 (b) In cases of injury requiring dismemberment or injuries involving  
4 major surgical operation, the employee may designate to his or her  
5 employer the physician or surgeon to perform the operation.

6 (c) If the injured employee unreasonably refuses or neglects to  
7 avail himself or herself of medical or surgical treatment furnished by  
8 the employer, except as herein and otherwise provided, the employer is  
9 not liable for an aggravation of such injury due to such refusal and  
10 neglect and the compensation court or judge thereof may suspend, reduce,  
11 or limit the compensation otherwise payable under the Nebraska Workers'  
12 Compensation Act.

13 (d) If, due to the nature of the injury or its occurrence away from  
14 the employer's place of business, the employee or the employer is unable  
15 to select a physician using the procedures provided by this subsection,  
16 the selection requirements of this subsection shall not apply as long as  
17 the inability to make a selection persists.

18 (e) The physician selected may arrange for any consultation,  
19 referral, or extraordinary or other specialized medical services as the

20 nature of the injury requires.

21 (f) The employer is not responsible for medical services furnished  
22 or ordered by any physician or other person selected by the employee in  
23 disregard of this section. Except as otherwise provided by the Nebraska  
24 Workers' Compensation Act, the employer is not liable for medical,  
25 surgical, or hospital services or medicines if the employee refuses to  
26 allow them to be furnished by the employer.

27 (3) No claim for such medical treatment is valid and enforceable  
28 unless, within fourteen days following the first treatment, the physician  
29 giving such treatment furnishes the employer a report of such injury and  
30 treatment on a form prescribed by the compensation court. The  
31 compensation court may excuse the failure to furnish such report within  
1 fourteen days when it finds it to be in the interest of justice to do so.

2 (4) All physicians and other providers of medical services attending  
3 injured employees shall comply with all the rules and regulations adopted  
4 and promulgated by the compensation court and shall make such reports as  
5 may be required by it at any time and at such times as required by it  
6 upon the condition or treatment of any injured employee or upon any other  
7 matters concerning cases in which they are employed. All medical and  
8 hospital information relevant to the particular injury shall, on demand,  
9 be made available to the employer, the employee, the workers'  
10 compensation insurer, and the compensation court. The party requesting  
11 such medical and hospital information shall pay the cost thereof. No such  
12 relevant information developed in connection with treatment or  
13 examination for which compensation is sought shall be considered a  
14 privileged communication for purposes of a workers' compensation claim.  
15 When a physician or other provider of medical services willfully fails to  
16 make any report required of him or her under this section, the  
17 compensation court may order the forfeiture of his or her right to all or  
18 part of payment due for services rendered in connection with the  
19 particular case.

20 (5) Whenever the compensation court deems it necessary, in order to  
21 assist it in resolving any issue of medical fact or opinion, it shall  
22 cause the employee to be examined by a physician or physicians selected  
23 by the compensation court and obtain from such physician or physicians a  
24 report upon the condition or matter which is the subject of inquiry. The  
25 compensation court may charge the cost of such examination to the  
26 workers' compensation insurer. The cost of such examination shall include  
27 the payment to the employee of all necessary and reasonable expenses  
28 incident to such examination, such as transportation and loss of wages.

29 (6) The compensation court shall have the authority to determine the  
30 necessity, character, and sufficiency of any medical services furnished  
31 or to be furnished and shall have authority to order a change of  
1 physician, hospital, rehabilitation facility, or other medical services  
2 when it deems such change is desirable or necessary. Any dispute  
3 regarding medical, surgical, or hospital services furnished or to be  
4 furnished under this section may be submitted by the parties, the  
5 supplier of such service, or the compensation court on its own motion for  
6 informal dispute resolution by a staff member of the compensation court

7 or an outside mediator pursuant to section 48-168. In addition, any party  
8 or the compensation court on its own motion may submit such a dispute for  
9 a medical finding by an independent medical examiner pursuant to section  
10 48-134.01. Issues submitted for informal dispute resolution or for a  
11 medical finding by an independent medical examiner may include, but are  
12 not limited to, the reasonableness and necessity of any medical treatment  
13 previously provided or to be provided to the injured employee. The  
14 compensation court may adopt and promulgate rules and regulations  
15 regarding informal dispute resolution or the submission of disputes to an  
16 independent medical examiner that are considered necessary to effectuate  
17 the purposes of this section.

18 (7) For the purpose of this section, physician has the same meaning  
19 as in section 48-151.

20 (8) The compensation court shall order the employer to make payment  
21 directly to the supplier of any services provided for in this section or  
22 reimbursement to anyone who has made any payment to the supplier for  
23 services provided in this section. No such supplier or payor may be made  
24 or become a party to any action before the compensation court.

25 (9) Notwithstanding any other provision of this section, a workers'  
26 compensation insurer, risk management pool, or self-insured employer may  
27 contract for medical, surgical, hospital, and rehabilitation services to  
28 be provided through a managed care plan certified pursuant to section  
29 48-120.02. Once liability for medical, surgical, and hospital services  
30 has been accepted or determined, the employer may require that employees  
31 subject to the contract receive medical, surgical, and hospital services  
1 in the manner prescribed in the contract, except that an employee may  
2 receive services from a physician selected by the employee pursuant to  
3 subsection (2) of this section if the physician so selected agrees to  
4 refer the employee to the managed care plan for any other treatment that  
5 the employee may require and if the physician so selected agrees to  
6 comply with all the rules, terms, and conditions of the managed care  
7 plan. If compensability is denied by the workers' compensation insurer,  
8 risk management pool, or self-insured employer, the employee may leave  
9 the managed care plan and the employer is liable for medical, surgical,  
10 and hospital services previously provided. The workers' compensation  
11 insurer, risk management pool, or self-insured employer shall give notice  
12 to employees subject to the contract of eligible service providers and  
13 such other information regarding the contract and manner of receiving  
14 medical, surgical, and hospital services under the managed care plan as  
15 the compensation court may prescribe.

16 Sec. 2. Original section 48-120, Revised Statutes Cumulative  
17 Supplement, 2018, is repealed.

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

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

Senator Vargas name added to LB15.  
Senator Morfeld name added to LB15.

**VISITOR(S)**

Visitors to the Chamber were students and teacher from UNL; students and teacher from Lincoln Northeast High School; students from Arbor View Elementary, Elkhorn; members of Moms Demand Action for Gun Sense in America and Everytown for Gun Safety; and a group from Elkhorn Rural Public Power District.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Friday, March 1, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FOURTH DAY - MARCH 1, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 1, 2019

**PRAYER**

The prayer was offered by Pastor Bob Rice, Lincoln Berean Church.

**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 Lathrop and Wayne who were excused; and Senator Vargas who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

Page 638, after line 15, insert "MO18".  
The Journal for the thirty-third day was approved as corrected.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Tuesday, March 12, 2019 1:30 p.m.

LB642  
LB666  
LB669  
LB673  
LB481

Room 1003

Wednesday, March 13, 2019 1:30 p.m.

LB334  
LB531  
LB551

LB694

LB737

Agency 72 - Economic Development, Department of

Agency 91 - Nebraska Tourism Commission

Agency 60 - Ethanol Board, Nebraska

Agency 9 - Secretary of State

Thursday, March 14, 2019 1:30 p.m.

LB171

LB232

Agency 65 - Administrative Services, Department of

Agency 19 - Banking, Department of

Agency 22 - Insurance, Department of

Agency 87 - Accountability and Disclosure Commission

Agency 64 - State Patrol, Nebraska

Friday, March 15, 2019 1:30 p.m.

LB638

Agency 16 - Revenue, Department of

Agency 93 - Tax Equalization and Review Commission

Agency 57 - Oil and Gas Conservation Commission, Nebraska

Agency 75 - Investment Council, Nebraska

(Signed) John Stinner, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 28, 2019, at 12:15 p.m. were the following: LBs 1, 2, 3, 12e, 49, 67, 77, 33e, 33Ae, and 79e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**MESSAGE(S) FROM THE GOVERNOR**

February 28, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 430e was received in my office on February 27, 2019.

This bill was signed and delivered to the Secretary of State on February 28, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 28, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Baird Holm LLP  
Lyft, Inc.  
Husch Blackwell Strategies  
Great Plains Communications, Inc.  
Waste Management, Inc.  
Joshi, Siely  
Crown Castle and its Affiliates  
Lautenbaugh, Scott  
Nebraska Premium Tobacco  
Nebraska Vape Vendors Association  
Lee, Rachel  
Prime Therapeutics, LLC (Withdrawn 02/28/2019)  
Moenning, Josh  
Renew Nebraska, LLC  
O'Keefe, Karen  
Marijuana Policy Project  
Phillippi, Patrick  
The National Council for Behavioral Health  
Schmeling, Richard  
ProRail Nebraska, Inc.

### ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB82 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 82.** With Emergency Clause.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2109, 39-2114, 39-2119, 39-2122, 39-2502, 39-2510, 39-2512, and 39-2520, Reissue Revised Statutes of Nebraska, and sections 39-810, 39-847, 39-1320, 39-2113, 39-2115, 39-2118, 39-2120, and 39-2121, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds to political subdivisions as prescribed; to change and provide duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 39-2117 and 39-2119.01, Reissue Revised Statutes of Nebraska, and section 39-2116, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 117.**

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to construction contract bidding, qualification, evaluation, and proposals; to change certification of financial showing as prescribed; to change provisions relating to obtaining contract plans prepared by the Department of Transportation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 190.**

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 3-104, 3-158, 60-6,102, 60-6,103, 60-6,107, and 60-6,175, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations; to provide and eliminate provisions relating to school bus loading area warning signs; to repeal the original sections; and to outright repeal section 60-6,176, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop          Vargas          Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1720, Reissue Revised Statutes of Nebraska; to provide for an interlocal agreement with a county to abate, remove, or prevent nuisances as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Groene	Kolowski	Pansing Brooks
Arch	Clements	Halloran	Kolterman	Quick
Blood	Crawford	Hansen, B.	Lindstrom	Scheer
Bolz	DeBoer	Hansen, M.	Linehan	Slama
Bostelman	Dorn	Hilgers	McCollister	Stinner
Brandt	Erdman	Hilkemann	McDonnell	Walz
Brewer	Friesen	Howard	Morfeld	Williams
Briese	Geist	Hughes	Moser	Wishart
Cavanaugh	Gragert	Hunt	Murman	

Voting in the negative, 0.

Present and not voting, 2:

La Grone      Lowe

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 32.**

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2018; to change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 42.**

A BILL FOR AN ACT relating to condominium law; to amend sections

76-808, 76-816, and 76-861, Reissue Revised Statutes of Nebraska; to provide responsibility for maintenance, repair, and replacement and provide a duty as prescribed for the board of administrators or other administrative body under the Condominium Property Act; to provide a duty for the association under the Nebraska Condominium Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	Crawford	Hansen, B.	Kolterman	Murman
Arch	DeBoer	Hansen, M.	La Grone	Pansing Brooks
Blood	Dorn	Hilgers	Lindstrom	Quick
Bolz	Friesen	Hilkemann	Linehan	Scheer
Brandt	Geist	Howard	McCollister	Slama
Briese	Gragert	Hughes	McDonnell	Walz
Cavanaugh	Groene	Hunt	Morfeld	Williams
Chambers	Halloran	Kolowski	Moser	Wishart

Voting in the negative, 4:

Bostelman	Brewer	Clements	Erdman
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Present and not voting, 2:

Lowe	Stinner
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Excused and not voting, 3:

Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 56.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.13, Reissue Revised Statutes of Nebraska, and section 53-124.11, Revised Statues Cumulative Supplement, 2018; to change requirements for application for and issuance of a special designated license; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 57.**

A BILL FOR AN ACT relating to rental property; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to define terms; to prohibit ordinances and other regulations prohibiting short-term rentals of residential property as prescribed; to provide for agreements with online hosting platforms regarding taxation; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 61.**

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402.03, 71-4403, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to vaccination and rules and regulations; to change provisions relating to seizure, confinement, testing, and disposition of a domestic animal and postexposure management of domestic animals and livestock; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4402.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brewer	Friesen	Howard	McCollister	Stinner
Briese	Geist	Hughes	McDonnell	Walz
Cavanaugh	Gragert	Hunt	Morfeld	Williams
Chambers	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Brandt

Excused and not voting, 3:

Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB63 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 63.** With Emergency Clause.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-506, 35-509, 35-1204, 35-1206, 35-1207, and 77-3442, Reissue Revised Statutes of Nebraska; to change provisions relating to payments to board members, tax levies, and filings with the State Treasurer; to change the Mutual Finance Assistance Act as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 65.**

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101, 81-2106, and 81-2108, Reissue Revised Statutes of Nebraska; to authorize a licensing exception; to harmonize provisions; and

to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB70 with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 70.**

A BILL FOR AN ACT relating to certain financial transactions; to amend sections 66-1509, 77-5211, and 81-15,119, Reissue Revised Statutes of Nebraska; to adopt the Uniform Voidable Transactions Act; to eliminate the Uniform Fraudulent Transfer Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 36-701, 36-702, 36-703, 36-704, 36-705, 36-706, 36-707, 36-708, 36-709, 36-710, 36-711, and 36-712, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 75.**

A BILL FOR AN ACT relating to the Nebraska Grape and Winery Board; to amend section 53-302, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB78 with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 78.**

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-147, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-507, 21-509, 21-510, 21-513, 21-514, 21-517, 21-520, 21-521, 21-522, 21-523, 21-525, 21-526, 21-528, 21-529, 21-532, 21-534, 21-537, and 21-539, Revised Statutes Cumulative Supplement, 2018; to provide changes and corrections to the Nebraska Uniform Protected Series Act; to change filing fees and dissolution provisions under the Nebraska Uniform Limited Liability Company Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 21-541, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 102.**

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend sections 85-1,134 and 85-1,136, Reissue Revised Statutes of Nebraska; to change references from the Big Twelve Conference to the Big Ten Conference in provisions requiring payment of a stipend or restricting hours of participation for persons competing in intercollegiate athletics; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 115.**

A BILL FOR AN ACT relating to schools; to amend section 79-216, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to enrollment; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Pansing Brooks
Arch	Crawford	Hansen, B.	La Grone	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McDonnell	Walz
Brewer	Geist	Hughes	Morfeld	Williams
Briese	Gragert	Hunt	Moser	Wishart
Cavanaugh	Groene	Kolowski	Murman	

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 121.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to limits on indebtedness from direct borrowing; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Clements	Halloran	Lindstrom	Quick
Arch	Crawford	Hansen, B.	Linehan	Scheer
Blood	DeBoer	Hansen, M.	Lowe	Slama
Bolz	Dorn	Hilkemann	McCollister	Stinner
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Williams
Brewer	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Hilgers        La Grone

Excused and not voting, 4:

Chambers      Lathrop        Vargas        Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB193 with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 193.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-502, 18-2507, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, 19-5001, and 77-2602, Reissue Revised Statutes of Nebraska, and sections 16-238, 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415, 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026,

19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of particular classes and villages; to correct and include references as prescribed; to name the Municipal Commission Plan of Government Act and the City Manager Plan of Government Act; to eliminate obsolete provisions and provisions relating to an excise board and its members; to repeal definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB194 with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 194.**

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, and 16-808, Reissue Revised Statutes of Nebraska, and sections 16-119, 16-304, 16-305, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662, 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723, 16-727, and 16-728, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Pansing Brooks
Arch	Crawford	Hansen, B.	La Grone	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Sinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	Morfeld	Williams
Briese	Gragert	Hunt	Moser	Wishart
Cavanaugh	Groene	Kolowski	Murman	

Voting in the negative, 0.

Present and not voting, 1:

McDonnell

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 196.**

A BILL FOR AN ACT relating to cities; to amend sections 14-407, 14-420, and 19-4029.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for certain hearings under the Business Improvement District Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hansen, B.	La Grone	Pansing Brooks
Arch	DeBoer	Hansen, M.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart
Clements	Halloran	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB258 with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 258.** With Emergency Clause.

A BILL FOR AN ACT relating to finance; to amend sections 8-209, 8-218, 8-346, 44-915, and 76-2,121, Reissue Revised Statutes of Nebraska, sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318,

8-355, 8-602, 21-17,115, 45-702, and 81-885.01, Revised Statutes Cumulative Supplement, 2018, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Banking Act, the Nebraska Trust Company Act, building and loan associations, the Credit Union Act, the Privacy of Insurance Consumer Information Act, the Residential Mortgage Licensing Act, real estate closing agents, the Nebraska Real Estate License Act, the Uniform Commercial Code, and funds transfers; to update references to certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change executive officer's and loan officer's license fees; to eliminate and replace obsolete references to the Office of Thrift Supervision; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Albrecht	Clements	Hansen, B.	La Grone	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Erdman	Hilkemann	Lowe	Stinner
Bostelman	Friesen	Howard	McCollister	Walz
Brandt	Geist	Hughes	McDonnell	Williams
Brewer	Gragert	Hunt	Moser	Wishart
Briese	Groene	Kolowski	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Dorn            Morfeld

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB259 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 259.** With Emergency Clause.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-1704, 8-1707, 8-1726, 69-2103, 69-2104, 69-2112, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1101.01, 8-1103, 8-1108.02, and 8-1111, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to change provisions relating to the Securities Act of Nebraska, the Commodity Code, and the Consumer Rental Purchase Agreement Act; to change or eliminate obsolete provisions; to adopt certain federal provisions; to restate Securities Act Cash Fund provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB355 with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 355.**

A BILL FOR AN ACT relating to finance; to amend sections 45-340 and 45-705, Reissue Revised Statutes of Nebraska, and sections 8-2737, 45-335, 45-346, 45-346.01, 45-348, 45-727, 45-734, and 45-737, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to licensee and authorized delegate examinations under the Nebraska Money Transmitters Act; to define a term, update a reference to salespersons, and change certain license and fee provisions under the Nebraska Installment Sales Act; to change mortgage banker license application provisions, provide for temporary powers as a mortgage loan originator licensee as prescribed, change inactive mortgage loan originator licensee provisions, and change certain mortgage banker licensee recordkeeping duties under the Residential Mortgage Licensing Act; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 71.**

A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a civil cause of action for damages from shoplifting; to harmonize provisions; to repeal the original section; and to outright repeal section 25-21,194, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Arch	Crawford	Hansen, M.	La Grone	Murman
Blood	DeBoer	Hilgers	Lindstrom	Pansing Brooks
Bolz	Erdman	Hilkemann	Linehan	Quick
Bostelman	Friesen	Howard	Lowe	Slama
Brandt	Geist	Hughes	McCollister	Walz
Brewer	Gragert	Hunt	McDonnell	Wishart
Cavanaugh	Groene	Kolowski	Morfeld	
Clements	Hansen, B.	Kolterman	Moser	

Voting in the negative, 0.

Present and not voting, 6:

Albrecht	Dorn	Stinner
Briese	Halloran	Williams

Excused and not voting, 5:

Chambers	Lathrop	Scheer	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 122.** With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Revised Statutes Cumulative Supplement, 2018; to change requirements for veterans and their spouses and dependents and other eligible persons to qualify as resident students as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lindstrom	Quick
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Williams
Bostelman	Erdman	Howard	McCollister	Wishart
Brandt	Friesen	Hughes	McDonnell	
Brewer	Geist	Hunt	Morfeld	
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 2:

Stinner           Walz

Excused and not voting, 6:

Chambers	Lathrop	Vargas
Halloran	Scheer	Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB301 with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 301.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 48-719, 48-720, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska, and sections 48-721, 48-735.01, 81-401, and 81-405, Revised Statutes Cumulative Supplement, 2018; to transfer duties under the Boiler Inspection Act, the Nebraska Amusement Ride Act, and the Conveyance Safety Act from the Department of Labor to the State Fire Marshal; to change

provisions of such acts; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal section 48-1820, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Moser	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Lathrop	Scheer	Vargas	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 306.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to good cause for voluntarily leaving employment; to harmonize provisions; and to repeal the original sections.

Senator Crawford requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 20:

Blood	Dorn	Hunt	McCollister	Quick
Bolz	Hansen, M.	Kolowski	McDonnell	Walz
Cavanaugh	Hilkemann	Kolterman	Morfeld	Williams
DeBoer	Howard	Lindstrom	Pansing Brooks	Wishart

Voting in the negative, 15:

Albrecht	Brewer	Geist	Hilgers	Murman
Arch	Clements	Gragert	Lowe	Slama
Bostelman	Erdman	Groene	Moser	Stinner

Present and not voting, 9:

Brandt	Crawford	Halloran	Hughes	Linehan
Briese	Friesen	Hansen, B.	La Grone	

Excused and not voting, 5:

Chambers	Lathrop	Scheer	Vargas	Wayne
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB359 with 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 359.**

A BILL FOR AN ACT relating to labor; to amend sections 48-618, 48-619, 48-621, 48-622.03, 48-649.03, 48-652, 48-1234, and 48-2213, Revised Statutes Cumulative Supplement, 2018; to change provisions under the Employment Security Law relating to administration of funds, unclaimed benefits, reports, and the employer's combined tax rate; to change provisions relating to service of citations for violations of the Nebraska Wage Payment and Collection Act and the appointment of the meatpacking industry worker rights coordinator; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Moser	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Lathrop	Scheer	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to adopt the Counterfeit Airbag Prevention Act; to provide penalties and eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 28-635, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Moser	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Lathrop	Scheer	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 55.**

A BILL FOR AN ACT relating to property; to amend sections 30-2478, 30-2723, and 30-3859, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2018; to change powers of copersonal representatives, cotrustees, coguardians, and coconservators; to change provisions relating to accounts with POD designations; to authorize persons eighteen years of age to acquire or convey title to real property and to enter into and execute related legal documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Clements	Halloran	Lindstrom	Quick
Arch	Crawford	Hansen, B.	Linehan	Scheer
Blood	DeBoer	Hansen, M.	Lowe	Slama
Bolz	Dorn	Hilgers	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Williams
Brewer	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Howard      Kolowski

Excused and not voting, 4:

Chambers      Lathrop      Vargas      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4020, Reissue Revised Statutes of Nebraska; to change liability provisions for refusal to accept an acknowledged power of attorney; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lindstrom	Quick
Blood	DeBoer	Hilgers	Linehan	Scheer
Bolz	Dorn	Hilkemann	Lowe	Slama
Bostelman	Erdman	Howard	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Halloran	Kolterman	Murman	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Groene	Lathrop	Vargas	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to the Nebraska State Patrol; to require a report on missing Native American women and children in Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lindstrom	Quick
Blood	DeBoer	Hilgers	Linehan	Scheer
Bolz	Dorn	Hilkemann	Lowe	Slama
Bostelman	Erdman	Howard	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Vargas
Brewer	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Halloran	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Groene Lathrop Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 264.**

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Reissue Revised Statutes of Nebraska; to redefine the term premises; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lindstrom	Quick
Blood	DeBoer	Hilgers	Linehan	Scheer
Bolz	Dorn	Hilkemann	Lowe	Slama
Bostelman	Erdman	Howard	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Vargas
Brewer	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Halloran	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Groene Lathrop Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 82, 117, 190, 11, 32, 42, 56, 57, 61, 63, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258, 259, 355, 71, 122, 301, 359, 7, 55, 146, 154, and 264.

**SELECT FILE**

**LEGISLATIVE BILL 214.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 52.** ER21, found on page 511, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 152.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 186.** ER23, found on page 513, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 186A.** Senator Lindstrom offered the following amendment:

AM538

1 1. Strike the original section and insert the following new section:

2 Section 1. There is hereby appropriated (1) \$82,167 from the  
3 General Fund for FY2019-20 and (2) \$27,682 from the General Fund and  
4 \$5,000 from the Administration Cash Fund for FY2020-21 to the Secretary  
5 of State, for Program 22, to aid in carrying out the provisions of  
6 Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019.  
7 Total expenditures for permanent and temporary salaries and per  
8 diems from funds appropriated in this section shall not exceed \$24,098  
9 for FY2019-20 or \$24,580 for FY2020-21.

The Lindstrom amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 223.** ER26, found on page 533, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 442.** ER25, found on page 533, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 536.** Senator Pansing Brooks offered her amendment, AM316, found on page 627.

The Pansing Brooks amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 622.** ER24, found on page 533, was adopted.

Senator Williams withdrew his amendment, AM340, found on page 541.

Senator Williams offered his amendment, AM406, found on page 561.

The Williams amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 185.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 372.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 103.** ER27, found on page 533, was adopted.

Senator Linehan offered her amendment, AM296, found on page 541.

The Linehan amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 450.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 450A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406.** ER28, found on page 554, was adopted.

Senator Gragert offered his amendment, AM315, found on page 529.

The Gragert amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 159.** ER33, found on page 554, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 380.** ER32, found on page 554, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 469.** ER29, found on page 555, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 25.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 25A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 119.** ER31, found on page 555, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 333.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 203.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 235.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 624.** ER34, found on page 555, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 160.** ER35, found on page 555, was adopted.

The Wayne amendment, AM411, found on page 568, was withdrawn.

Senator Groene offered his amendment, AM407, found on page 572.

The Groene amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 195.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 124.** Senator Crawford offered her amendment, AM405, found on page 572.

The Crawford amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 127.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 139.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 319.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 699.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 8.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 156.** ER36, found on page 569, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 318.** Considered.

Senator Brewer offered the following motion:

MO20

Indefinitely postpone.

Pending.

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

Business and Labor

Room 1003

Monday, March 18, 2019 1:30 p.m.

LB577 (cancel)

LB19 (cancel)  
LB576 (cancel)  
LB360 (cancel)  
LB363 (cancel)

Monday, March 25, 2019 1:30 p.m.

LB428 (cancel)  
LB178 (cancel)  
LB464 (cancel)  
LB465 (cancel)

Monday, March 18, 2019 1:30 p.m.

LB577  
LB428  
LB576  
LB360  
LB363

Monday, March 25, 2019 1:30 p.m.

Scott Hollman - Boiler Safety Code Advisory Board  
Steven Bley - Boiler Safety Code Advisory Board  
Thomas Phipps - Boiler Safety Code Advisory Board  
LB19  
LB178  
LB464  
LB465

(Signed) Matt Hansen, Chairperson

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 1, 2019, at 11:15 a.m. were the following: LBs 82e, 117, 190, 11, 32, 42, 56, 57, 61, 63e, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258e, 259e, 355, 71, 122e, 301e, 359, 7, 55, 146, 154, and 264.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

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

**LEGISLATIVE RESOLUTION 35.** Introduced by Hughes, 44.

WHEREAS, Sehnert's Bakery and Bieroc Café of McCook won the 2019 James Beard Foundation Award for America's Classics, making the bakery and cafe the first establishment in Nebraska to ever receive the award; and

WHEREAS, the James Beard Foundation America's Classics Award has been given annually since 1998 to only five locally owned restaurants throughout the United States with timeless appeal that reflect the local character of their community and are cherished for serving quality food; and

WHEREAS, Sehnert's Bakery and Bieroc Café is known for pastries, sandwiches, and coffee drinks and uses Wauneta Roller Mills flour made with locally-grown and milled wheat; and

WHEREAS, Sehnert's Bakery of McCook was opened by Walt and Jean Sehnert in 1957 when they moved to the town, and the Sehnert family has owned and operated bakeries in America since 1897; and

WHEREAS, the current owners, Matt and Shelly Sehnert, are now the fourth generation of family bakers and, in addition to running an exceptional bakery and cafe, contribute to their community by hosting local and regional musicians and artists with Live at the Bieroc events.

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

1. That the Legislature congratulates Sehnert's Bakery and Bieroc Café on winning the 2019 James Beard Foundation Award for America's Classics.
2. That a copy of this resolution be sent to Matt and Shelly Sehnert.

Laid over.

**LEGISLATIVE RESOLUTION 36.** Introduced by Bolz, 29; Hilkemann, 4; Walz, 15.

WHEREAS, the primary mission of social workers is to enhance well-being and ensure that the basic needs of all people are met, especially the most vulnerable; and

WHEREAS, social work is one of the fastest growing careers in the United States, with expected employment of social workers to exceed 790,000 nationally by 2026; and

WHEREAS, in all areas of our society, social workers strive to improve happiness, health, and prosperity, including government, education, social service agencies, communities, the military, and mental health and health care facilities; and

WHEREAS, "Elevate Social Work" is the theme of this year's National Social Work Month. Social workers empower people, giving them the ability to solve problems and overcome life's hurdles so they can live to their full potential; and

WHEREAS, social workers have helped this nation live up to its ideals by successfully pushing for equal rights for all, including women, African Americans, Latinos, refugees, people who identify as LGBTQ, and various ethnic, cultural, and religious groups; and

WHEREAS, social workers have helped people in this nation overcome racial strife and economic and health care uncertainty by successfully advocating for initiatives such as Medicaid, unemployment insurance, workplace safety, Social Security benefits, the Civil Rights Act, the Voting Rights Act, and the Affordable Care Act; and

WHEREAS, social workers are the largest group of mental health care providers in the United States and work daily to help people overcome depression, anxiety, and substance abuse and other disorders so they can lead more fulfilling lives; and

WHEREAS, the United States Department of Veterans Affairs employs more than 12,000 professional social workers who bolster our nation's security by providing support to active duty military personnel, veterans, and their families; and

WHEREAS, thousands of child, family, and school social workers across the country work to protect children and improve the social and psychological functioning of children and their families; and

WHEREAS, social workers help children find loving homes and create new families through adoption; and

WHEREAS, social workers in schools work with families and schools to foster the happiness and success of future generations by ensuring students reach their full academic and personal potential; and

WHEREAS, social workers help older adults and their families improve their quality of life and ability to live independently as long as possible and obtain access to quality mental health services and health care; and

WHEREAS, social workers stand ready to help our society overcome current pressing issues, including equal rights for all, the need for improved availability of health care and mental health services, immigration reform, voting rights, and the environmental impact of global climate change.

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

1. That the Legislature recognizes March 2019 as Social Work Month in Nebraska and encourages all citizens to join the National Association of Social Workers in celebrating and supporting the social work profession.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, March 12, 2019 1:30 p.m.

LB431  
LB180  
LB27  
LB702

(Signed) Mike Groene, Chairperson

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

Senator Howard filed the following amendment to LB112:  
AM526

- 1 1. Strike original sections 6 and 8 and insert the following new
- 2 section:
- 3 Sec. 6. Young worker means (1) for an initial credential under the
- 4 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
- 5 Practice Act, except for a body art license, an applicant who is between
- 6 the ages of seventeen and twenty-five years or (2) for an initial
- 7 credential issued under any other provision of the Uniform Credentialing
- 8 Act, including a body art license, an applicant who is between the ages
- 9 of eighteen and twenty-five years.
- 10 2. On page 5, line 17, after the second "credential" insert "except
- 11 the actual cost of the fingerprinting and criminal background check for
- 12 an initial license under section 38-131".
- 13 3. On page 9, line 4, after "waived" insert "except the actual cost
- 14 of the fingerprinting and criminal background check for an initial
- 15 license under section 38-131".
- 16 4. Renumber the remaining sections and correct the repealer
- 17 accordingly.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 183.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Crawford filed the following motion to LB306:

MO19

Reconsider the vote on the final passage of the bill.

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

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

Senator Kolowski name added to LB15.  
Senator Linehan name added to LB352.  
Senator Briese name added to LB556.  
Senator Groene name added to LB569.

**VISITOR(S)**

Visitors to the Chamber were Commander Alex Baerg of the USS Nebraska and his wife, Nicole; Senator Bolz's mom, Pam Eisenhower, and nieces, Alysa and Grace Myers; students from Omaha Christian Academy; students from Yutan Elementary; Speaker Scheer's wife, Kris, daughter, grandson, and granddaughter, Keeli, Miller, and Stella Vrbicky; and Galen, Marsha, and Samuel Banzhaf from Overton.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, March 4, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIFTH DAY - MARCH 4, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 4, 2019

**PRAYER**

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

**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 Hilgers, Hughes, and Lathrop who were excused; and Senators Cavanaugh, DeBoer, Friesen, Morfeld, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR26 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR26.

**MOTION(S) - Confirmation Report(s)**

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 608:

Nebraska Commission on Problem Gambling  
Todd Zohner

Voting in the affirmative, 33:

Albrecht	Crawford	Hansen, M.	Linehan	Quick
Arch	Dorn	Hilkemann	Lowe	Scheer
Bolz	Geist	Howard	McCollister	Slama
Brandt	Gragert	Hunt	McDonnell	Vargas
Brewer	Groene	Kolowski	Moser	Wishart
Briese	Halloran	Kolterman	Murman	
Clements	Hansen, B.	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Chambers	Lindstrom	Williams
Bostelman	Erdman	Walz	

Excused and not voting, 9:

Cavanaugh	Friesen	Hughes	Morfeld	Wayne
DeBoer	Hilgers	Lathrop	Stinner	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 636:

Nebraska Rural Health Advisory Commission

Cherlyn Hunt  
 Kyle Klammer  
 Michael Allen Sitorius

Voting in the affirmative, 34:

Albrecht	Cavanaugh	Hansen, B.	Lowe	Scheer
Arch	Clements	Hilkemann	McCollister	Slama
Blood	Crawford	Howard	McDonnell	Vargas
Bostelman	Dorn	Hunt	Moser	Walz
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	La Grone	Pansing Brooks	Wishart
Briese	Halloran	Linehan	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Erdman	Hansen, M.	Lindstrom
Chambers	Groene	Kolterman	

Excused and not voting, 8:

DeBoer	Hilgers	Lathrop	Stinner
Friesen	Hughes	Morfeld	Wayne

The appointments were confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 284.** Title read. Considered.

Committee AM392, found on page 578, was offered.

Senator Linehan offered the following amendment to the committee amendment:

AM540

(Amendments to Standing Committee amendments, AM392)

1 1. On page 15, strike lines 17 through 24.

The Linehan amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 18, 2019 1:30 p.m.

LB199

LB625

Agency 5 - Supreme Court

Agency 94 - Public Advocacy, Commission on

Agency 15 - Parole, Nebraska Board of

Agency 46 - Correctional Services, Department of

Agency 11 - Attorney General

Tuesday, March 19, 2019 1:30 p.m.

LB292

Agency 13 - Education, Department of

Agency 32 - Educational Lands and Funds, Board of

Agency 69 - Arts Council, Nebraska

Agency 34 - Library Commission, Nebraska  
Agency 47 - Educational Telecommunications Commission, Nebraska

Room 1003

Wednesday, March 20, 2019 1:30 p.m.

LB678

Agency 71 - Nebraska Energy Office  
Agency 33 - Game and Parks Commission  
Agency 18 - Agriculture, Department of  
Agency 29 - Natural Resources, Department of  
Agency 84 - Environmental Quality, Department of

Thursday, March 21, 2019 1:30 p.m.

LB129

LB394

LB494

Agency 27 - Transportation, Department of  
Agency 31 - Military Department  
Agency 36 - Racing Commission, Nebraska State

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, March 13, 2019 1:30 p.m.

LB98

LB210

LB436

LR9

Thursday, March 14, 2019 1:30 p.m.

LB718

LB733

LB687

Friday, March 15, 2019 1:30 p.m.

LB704

LB709

(Signed) Tom Brewer, Chairperson

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 82e, 117, 190, 11, 32, 42, 56, 57, 61, 63e, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258e, 259e, 355, 71, 122e, 301e, 359, 7, 55, 146, 154, and 264.

(Signed) Justin Wayne

**CONFLICT OF INTEREST STATEMENT**

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

**GENERAL FILE**

**LEGISLATIVE BILL 318.** Senator Brewer withdrew his motion, MO20, found on page 693, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 443.** Title read. Considered.

**SENATOR WILLIAMS PRESIDING**

Senator McCollister moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Voting in the affirmative, 28:

Blood	DeBoer	Hunt	McDonnell	Walz
Bolz	Dorn	Kolowski	Morfeld	Wayne
Brandt	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lindstrom	Quick	Wishart
Chambers	Hilkemann	Linehan	Slama	
Crawford	Howard	McCollister	Vargas	

Voting in the negative, 11:

Albrecht	Briese	Geist	Moser
Bostelman	Clements	Halloran	Murman
Brewer	Erdman	Low	

Present and not voting, 3:

Arch Friesen Hansen, B.

Excused and not voting, 7:

Groene Hughes Lathrop Stinner  
Hilgers La Grone Scheer

Advanced to Enrollment and Review Initial with 28 ayes, 11 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 627.** Title read. Considered.

Pending.

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

Enrollment and Review

**LEGISLATIVE BILL 52.** Placed on Final Reading.  
**LEGISLATIVE BILL 152.** Placed on Final Reading.  
**LEGISLATIVE BILL 186.** Placed on Final Reading.  
**LEGISLATIVE BILL 186A.** Placed on Final Reading.  
**LEGISLATIVE BILL 214.** Placed on Final Reading.  
**LEGISLATIVE BILL 223.** Placed on Final Reading.  
**LEGISLATIVE BILL 442.** Placed on Final Reading.  
**LEGISLATIVE BILL 536.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Urban Affairs

**LEGISLATIVE BILL 476.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File with amendment.  
AM334

1 1. Strike original sections 1, 2, 3, 4, 6, 7, 9, 10, 16, 17, 18, 19,  
2 20, 21, 22, and 23.

3 2. Renumber the remaining sections and correct the repealer

4 accordingly.

**LEGISLATIVE BILL 96.** Placed on General File with amendment.  
AM497

1 1. On page 2, line 28, after "village" insert ", except that such  
2 code shall not apply to construction on a farm or for farm purposes".

**LEGISLATIVE BILL 107.** Placed on General File with amendment.

AM356

1 1. On page 5, line 19, after the period insert "The chairperson of  
2 the plumbing board shall also call a meeting of the plumbing board upon  
3 the written request of a license applicant, licensee, or another member  
4 of the plumbing board. Such meeting shall be held within four weeks of  
5 such written request.".

6 2. On page 7, line 24, after "trustees" insert ", except that such  
7 fees shall not exceed the costs of administering the licensing program".

**LEGISLATIVE BILL 424.** Placed on General File with amendment.

AM509

1 1. On page 3, lines 10 and 23, after "class" insert "or city of the  
2 primary class".

**LEGISLATIVE BILL 445.** Placed on General File with amendment.

AM520

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

2 sections:

3 Section 1. Section 18-1208, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 18-1208 (1) Except as otherwise provided in this section, after July  
6 19, 2012, a municipality may impose a new occupation tax or increase the  
7 rate of an existing occupation tax, which new occupation tax or increased  
8 rate of an existing occupation tax is projected to generate annual  
9 occupation tax revenue in excess of the applicable amount listed in  
10 subsection (2) of this section, pursuant to section 14-109, 15-202,  
11 15-203, 16-205, or 17-525 if the question of whether to impose the tax or  
12 increase the rate of an existing occupation tax has been submitted at an  
13 election held within the municipality and in which all registered voters  
14 shall be entitled to vote on the question. The officials of the  
15 municipality shall order the submission of the question by submitting a  
16 certified copy of the resolution proposing the tax or tax rate increase  
17 to the election commissioner or county clerk at least fifty days before  
18 the election. The election shall be conducted in accordance with the  
19 Election Act. If a majority of the votes cast upon the question are in  
20 favor of the new tax or increased rate of an existing occupation tax,  
21 then the governing body of such municipality shall be empowered to impose  
22 the new tax or to impose the increased tax rate. If a majority of those  
23 voting on the question are opposed to the new tax or increased rate, then  
24 the governing body of the municipality shall not impose the new tax or  
25 increased rate but shall maintain any existing occupation tax at its  
26 current rate.

27 (2) The applicable amount of annual revenue for each new occupation

1 tax or annual revenue raised by the increased rate for an existing  
2 occupation tax for purposes of subsection (1) of this section is:

3 (a) For cities of the metropolitan class, six million dollars;

4 (b) For cities of the primary class, three million dollars;

5 (c) For cities of the first class, seven hundred thousand dollars;

6 and

7 (d) For cities of the second class and villages, three hundred  
8 thousand dollars.

9 (3) After July 19, 2012, a municipality shall not be required to  
10 submit the following questions to the registered voters:

11 (a) Whether to change the rate of an occupation tax imposed for a  
12 specific project which does not provide for deposit of the tax proceeds  
13 in the municipality's general fund; or

14 (b) Whether to terminate an occupation tax earlier than the  
15 determinable termination date under the original question submitted to  
16 the registered voters.

17 This subsection applies to occupation taxes imposed prior to, on, or  
18 after July 19, 2012.

19 (4) The provisions of this section do not apply to an occupation tax  
20 subject to section 86-704.

21 (5) No later than sixty days after the end of the fiscal year, each  
22 municipality that imposes or increases any occupation tax as provided  
23 under this section shall provide an annual report on the collection and  
24 use of such occupation tax. The report shall be posted on the  
25 municipality's public web site or made available for public inspection at  
26 a location designated by the municipality. The report shall include, but  
27 not be limited to:

28 (a) A list of all such occupation taxes collected by the  
29 municipality;

30 (b) The amount generated annually by each such occupation tax;

31 (c) Whether funds generated by each such occupation tax are  
1 deposited in the general fund, cash funds, or other funds of the  
2 municipality;

3 (d) Whether any such occupation tax is dedicated for a specific  
4 purpose, and if so, the amount dedicated for such purpose; and

5 (e) The scheduled or projected termination date, if any, of each  
6 such occupation tax.

7 Sec. 2. Original section 18-1208, Reissue Revised Statutes of  
8 Nebraska, is repealed.

**LEGISLATIVE BILL 574.** Placed on General File with amendment.  
AM505

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

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

Senator Bolz filed the following amendment to LB332:  
AM557

1 1. On page 12, line 3, strike "and" and show as stricken; and in  
2 line 15 after "adult" insert "; and

3 (4) Who is a Nebraska resident, except that this shall not  
4 disqualify a young adult who was a Nebraska resident but was placed  
5 outside Nebraska pursuant to the Interstate Compact for the Placement of  
6 Children".

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

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

Senator Pansing Brooks name added to LB15.  
Senator Wishart name added to LB15.  
Senator Cavanaugh name added to LB15.  
Senator Blood name added to LB164.  
Senator Cavanaugh name added to LB627.

**VISITOR(S)**

Visitors to the Chamber were Bailey Mooney from Bee; students and teachers from MontClair Elementary, Millard; and students from Westside Elementary, Norfolk.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SIXTH DAY - MARCH 5, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 5, 2019

**PRAYER**

The prayer was offered by Reverend Dr. Cynthia Lindenmeyer, First United Methodist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator La Grone who was excused; and Senators Briese, Cavanaugh, Chambers, Friesen, Groene, M. Hansen, Howard, Linehan, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 37.** Introduced by Quick, 35.

WHEREAS, Jonathan Novinski, a sophomore at Grand Island Central Catholic, took first place in the boys 500-yard freestyle and second place in the boys 200-yard freestyle at the 2019 State Swimming and Diving Championship; and

WHEREAS, this is the second time Jonathan has taken first place in the boys 500-yard freestyle at the State Swimming and Diving Championship; and

WHEREAS, Jonathan also broke the longest-standing boys record at the meet with a time of 4:32.04 in the boys 500-yard freestyle; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jonathan Novinski on taking first place in the boys 500-yard freestyle at the 2019 State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Jonathan Novinski and to Coach Brian Jensen.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 627.** Considered.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 4.** Placed on Final Reading.

**LEGISLATIVE BILL 4A.** Placed on Final Reading.

**LEGISLATIVE BILL 103.** Placed on Final Reading.

**LEGISLATIVE BILL 185.** Placed on Final Reading.

**LEGISLATIVE BILL 372.** Placed on Final Reading.

**LEGISLATIVE BILL 406.** Placed on Final Reading.

**LEGISLATIVE BILL 450.** Placed on Final Reading.

**LEGISLATIVE BILL 450A.** Placed on Final Reading.

**LEGISLATIVE BILL 622.** Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 8, "to provide immunity for the director and administrator as prescribed;" was inserted after the semicolon.

(Signed) Julie Slama, Chairperson

### COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 9.** Placed on General File.

**LEGISLATIVE BILL 148.** Placed on General File with amendment.

AM421

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

2 sections:

3 Section 1. Section 13-503, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 13-503 For purposes of the Nebraska Budget Act, unless the context

6 otherwise requires:

7 (1) Governing body means the governing body of any county

8 agricultural society, elected county fair board, joint airport authority  
9 formed under the Joint Airport Authorities Act, city or county airport  
10 authority, bridge commission created pursuant to section 39-868, cemetery  
11 district, city, village, municipal county, community college, community  
12 redevelopment authority, county, drainage or levee district, educational  
13 service unit, rural or suburban fire protection district, historical  
14 society, hospital district, irrigation district, learning community,  
15 natural resources district, nonprofit county historical association or  
16 society for which a tax is levied under subsection (1) of section  
17 23-355.01, public building commission, railroad transportation safety  
18 district, reclamation district, road improvement district, rural water  
19 district, school district, sanitary and improvement district, township,  
20 offstreet parking district, transit authority, metropolitan utilities  
21 district, Educational Service Unit Coordinating Council, ~~and~~ political  
22 subdivision with the authority to have a property tax request, with the  
23 authority to levy a toll, or that receives state aid, and joint entity  
24 created pursuant to the Interlocal Cooperation Act that receives tax  
25 funds generated under section 2-3226.05;  
26 (2) Levying board means any governing body which has the power or  
27 duty to levy a tax;  
1 (3) Fiscal year means the twelve-month period used by each governing  
2 body in determining and carrying on its financial and taxing affairs;  
3 (4) Tax means any general or special tax levied against persons,  
4 property, or business for public purposes as provided by law but shall  
5 not include any special assessment;  
6 (5) Auditor means the Auditor of Public Accounts;  
7 (6) Cash reserve means funds required for the period before revenue  
8 would become available for expenditure but shall not include funds held  
9 in any special reserve fund;  
10 (7) Public funds means all money, including nontax money, used in  
11 the operation and functions of governing bodies. For purposes of a  
12 county, city, or village which has a lottery established under the  
13 Nebraska County and City Lottery Act, only those net proceeds which are  
14 actually received by the county, city, or village from a licensed lottery  
15 operator shall be considered public funds, and public funds shall not  
16 include amounts awarded as prizes;  
17 (8) Adopted budget statement means a proposed budget statement which  
18 has been adopted or amended and adopted as provided in section 13-506.  
19 Such term shall include additions, if any, to an adopted budget statement  
20 made by a revised budget which has been adopted as provided in section  
21 13-511;  
22 (9) Special reserve fund means any special fund set aside by the  
23 governing body for a particular purpose and not available for expenditure  
24 for any other purpose. Funds created for (a) the retirement of bonded  
25 indebtedness, (b) the funding of employee pension plans, (c) the purposes  
26 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes  
27 of the Local Option Municipal Economic Development Act, (e) voter-  
28 approved sinking funds, or (f) statutorily authorized sinking funds shall  
29 be considered special reserve funds;

30 (10) Biennial period means the two fiscal years comprising a  
31 biennium commencing in odd-numbered or even-numbered years used by a  
1 city, village, or natural resources district in determining and carrying  
2 on its financial and taxing affairs; and

3 (11) Biennial budget means (a) a budget by a city of the primary or  
4 metropolitan class that adopts a charter provision providing for a  
5 biennial period to determine and carry on the city's financial and taxing  
6 affairs, (b) a budget by a city of the first or second class or village  
7 that provides for a biennial period to determine and carry on the city's  
8 or village's financial and taxing affairs, or (c) a budget by a natural  
9 resources district that provides for a biennial period to determine and  
10 carry on the natural resources district's financial and taxing affairs.

11 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 13-506 (1) Each governing body shall each year or biennial period  
14 conduct a public hearing on its proposed budget statement. Such hearing  
15 shall be held separately from any regularly scheduled meeting of the  
16 governing body and shall not be limited by time. Notice of place and time  
17 of such hearing, together with a summary of the proposed budget  
18 statement, shall be published at least four calendar days prior to the  
19 date set for hearing in a newspaper of general circulation within the  
20 governing body's jurisdiction. For purposes of such notice, the four  
21 calendar days shall include the day of publication but not the day of  
22 hearing. When the total operating budget, not including reserves, does  
23 not exceed ten thousand dollars per year or twenty thousand dollars per  
24 biennial period, the proposed budget summary may be posted at the  
25 governing body's principal headquarters. At such hearing, the governing  
26 body shall make at least three copies of the proposed budget statement  
27 available to the public and shall make a presentation outlining key  
28 provisions of the proposed budget statement, including, but not limited  
29 to, a comparison with the prior year's budget. Any member of the public  
30 desiring to speak on the proposed budget statement shall be allowed to  
31 address the governing body at the hearing and shall be given a reasonable  
1 amount of time to do so. After such hearing, the proposed budget  
2 statement shall be adopted, or amended and adopted as amended, and a  
3 written record shall be kept of such hearing. The amount to be received  
4 from personal and real property taxation shall be certified to the  
5 levying board after the proposed budget statement is adopted or is  
6 amended and adopted as amended. If the levying board represents more than  
7 one county, a member or a representative of the governing board shall,  
8 upon the written request of any represented county, appear and present  
9 its budget at the hearing of the requesting county. The certification of  
10 the amount to be received from personal and real property taxation shall  
11 specify separately (a) the amount to be applied to the payment of  
12 principal or interest on bonds issued by the governing body and (b) the  
13 amount to be received for all other purposes. If the adopted budget  
14 statement reflects a change from that shown in the published proposed  
15 budget statement, a summary of such changes shall be published within  
16 twenty calendar days after its adoption in the manner provided in this

17 section, but without provision for hearing, setting forth the items  
18 changed and the reasons for such changes.  
19 (2) Upon approval by the governing body, the budget shall be filed  
20 with the auditor. The auditor may review the budget for errors in  
21 mathematics, improper accounting, and noncompliance with the Nebraska  
22 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
23 errors, he or she shall immediately notify the governing body of such  
24 errors. The governing body shall correct any such error as provided in  
25 section 13-511. Warrants for the payment of expenditures provided in the  
26 budget adopted under this section shall be valid notwithstanding any  
27 errors or noncompliance for which the auditor has notified the governing  
28 body.

29 Sec. 3. Section 84-1411, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 84-1411 (1)(a) (4) Each public body shall give reasonable advance  
1 publicized notice of the time and place of each meeting as provided in  
2 this subsection by a method designated by each public body and recorded  
3 in its minutes. Such notice shall be transmitted to all members of the  
4 public body and to the public.

5 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,  
6 in the case of a public body described in subdivision (1)(a)(i) of  
7 section 84-1409 or such body's advisory committee, such notice shall be  
8 published in a newspaper of general circulation within the public body's  
9 jurisdiction and, if available, in a digital advertisement on such  
10 newspaper's web site.

11 (ii) In the case of the governing body of a city of the second class  
12 or village or such body's advisory committee, such notice shall be  
13 published by:

14 (A) Publication in a newspaper of general circulation within the  
15 public body's jurisdiction and, if available, in a digital advertisement  
16 on such newspaper's web site; or

17 (B) Posting written notice in three conspicuous public places in  
18 such city or village. Such notice shall be posted in the same three  
19 places for each meeting.

20 (iii) In the case of a public body not described in subdivision (1)  
21 (b)(i) or (ii) of this section, such notice shall be given by a method  
22 designated by the public body.

23 (c) In addition to a method of notice required by subdivision (1)(b)  
24 (i) or (ii) of this section, such notice may also be provided by any  
25 other appropriate method designated by such public body or such advisory  
26 committee.

27 (d) Each public body shall record the methods and dates of such  
28 notice in its minutes.

29 (e) Such notice shall contain an agenda of subjects known at the  
30 time of the publicized notice or a statement that the agenda, which shall  
31 be kept continually current, shall be readily available for public  
1 inspection at the principal office of the public body during normal  
2 business hours. Agenda items shall be sufficiently descriptive to give  
3 the public reasonable notice of the matters to be considered at the

4 meeting. Except for items of an emergency nature, the agenda shall not be  
5 altered later than (i) ~~(a)~~ twenty-four hours before the scheduled  
6 commencement of the meeting or (ii) ~~(b)~~ forty-eight hours before the  
7 scheduled commencement of a meeting of a city council or village board  
8 scheduled outside the corporate limits of the municipality. The public  
9 body shall have the right to modify the agenda to include items of an  
10 emergency nature only at such public meeting.

11 (2) A meeting of a state agency, state board, state commission,  
12 state council, or state committee, of an advisory committee of any such  
13 state entity, of an organization created under the Interlocal Cooperation  
14 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
15 Act, of the governing body of a public power district having a chartered  
16 territory of more than one county in this state, of the governing body of  
17 a public power and irrigation district having a chartered territory of  
18 more than one county in this state, of a board of an educational service  
19 unit, of the Educational Service Unit Coordinating Council, of the  
20 governing body of a risk management pool or its advisory committees  
21 organized in accordance with the Intergovernmental Risk Management Act,  
22 or of a community college board of governors may be held by means of  
23 videoconferencing or, in the case of the Judicial Resources Commission in  
24 those cases specified in section 24-1204, by telephone conference, if:

25 (a) Reasonable advance publicized notice is given as provided in  
26 subsection (1) of this section;

27 (b) Reasonable arrangements are made to accommodate the public's  
28 right to attend, hear, and speak at the meeting, including seating,  
29 recordation by audio or visual recording devices, and a reasonable  
30 opportunity for input such as public comment or questions to at least the  
31 same extent as would be provided if videoconferencing or telephone  
1 conferencing was not used;

2 (c) At least one copy of all documents being considered is available  
3 to the public at each site of the videoconference or telephone  
4 conference;

5 (d) At least one member of the state entity, advisory committee,  
6 board, council, or governing body is present at each site of the  
7 videoconference or telephone conference; and

8 (e) No more than one-half of the state entity's, advisory  
9 committee's, board's, council's, or governing body's meetings in a  
10 calendar year are held by videoconference or telephone conference.

11 Videoconferencing, telephone conferencing, or conferencing by other  
12 electronic communication shall not be used to circumvent any of the  
13 public government purposes established in the Open Meetings Act.

14 (3) A meeting of a board of an educational service unit, of the  
15 Educational Service Unit Coordinating Council, of the governing body of  
16 an entity formed under the Interlocal Cooperation Act, the Joint Public  
17 Agency Act, or the Municipal Cooperative Financing Act, of the governing  
18 body of a risk management pool or its advisory committees organized in  
19 accordance with the Intergovernmental Risk Management Act, of a community  
20 college board of governors, of the governing body of a public power  
21 district, of the governing body of a public power and irrigation

22 district, or of the Nebraska Brand Committee may be held by telephone  
23 conference call if:

24 (a) The territory represented by the educational service unit,  
25 member educational service units, community college board of governors,  
26 public power district, public power and irrigation district, Nebraska  
27 Brand Committee, or member public agencies of the entity or pool covers  
28 more than one county;

29 (b) Reasonable advance publicized notice is given as provided in  
30 subsection (1) of this section which identifies each telephone conference  
31 location at which an educational service unit board member, a council  
1 member, a member of a community college board of governors, a member of  
2 the governing body of a public power district, a member of the governing  
3 body of a public power and irrigation district, a member of the Nebraska  
4 Brand Committee, or a member of the entity's or pool's governing body  
5 will be present;

6 (c) All telephone conference meeting sites identified in the notice  
7 are located within public buildings used by members of the educational  
8 service unit board, council, community college board of governors,  
9 governing body of the public power district, governing body of the public  
10 power and irrigation district, Nebraska Brand Committee, or entity or  
11 pool or at a place which will accommodate the anticipated audience;

12 (d) Reasonable arrangements are made to accommodate the public's  
13 right to attend, hear, and speak at the meeting, including seating,  
14 recordation by audio recording devices, and a reasonable opportunity for  
15 input such as public comment or questions to at least the same extent as  
16 would be provided if a telephone conference call was not used;

17 (e) At least one copy of all documents being considered is available  
18 to the public at each site of the telephone conference call;

19 (f) At least one member of the educational service unit board,  
20 council, community college board of governors, governing body of the  
21 public power district, governing body of the public power and irrigation  
22 district, Nebraska Brand Committee, or governing body of the entity or  
23 pool is present at each site of the telephone conference call identified  
24 in the public notice;

25 (g) The telephone conference call lasts no more than two hours; and

26 (h) No more than one-half of the board's, council's, governing  
27 body's, committee's, entity's, or pool's meetings in a calendar year are  
28 held by telephone conference call, except that a governing body of a risk  
29 management pool that meets at least quarterly and the advisory committees  
30 of the governing body may each hold more than one-half of its meetings by  
31 telephone conference call if the governing body's quarterly meetings are

1 not held by telephone conference call or videoconferencing.  
2 Nothing in this subsection shall prevent the participation of  
3 consultants, members of the press, and other nonmembers of the governing  
4 body at sites not identified in the public notice. Telephone conference  
5 calls, emails, faxes, or other electronic communication shall not be used  
6 to circumvent any of the public government purposes established in the  
7 Open Meetings Act.

8 (4) The secretary or other designee of each public body shall

9 maintain a list of the news media requesting notification of meetings and  
 10 shall make reasonable efforts to provide advance notification to them of  
 11 the time and place of each meeting and the subjects to be discussed at  
 12 that meeting.

13 (5) When it is necessary to hold an emergency meeting without  
 14 reasonable advance public notice, the nature of the emergency shall be  
 15 stated in the minutes and any formal action taken in such meeting shall  
 16 pertain only to the emergency. Such emergency meetings may be held by  
 17 means of electronic or telecommunication equipment. The provisions of  
 18 subsection (4) of this section shall be complied with in conducting  
 19 emergency meetings. Complete minutes of such emergency meetings  
 20 specifying the nature of the emergency and any formal action taken at the  
 21 meeting shall be made available to the public by no later than the end of  
 22 the next regular business day.

23 (6) A public body may allow a member of the public or any other  
 24 witness other than a member of the public body to appear before the  
 25 public body by means of video or telecommunications equipment.  
 26 Sec. 4. Original sections 13-503, 13-506, and 84-1411, Revised  
 27 Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 411.** Placed on General File with amendment.  
 AM514 is available in the Bill Room.

**LEGISLATIVE BILL 447.** Placed on General File with amendment.  
 AM548

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

3 Section 1. Section 81-1316, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:

5 81-1316 (1) All agencies and personnel of state government shall be  
 6 covered by sections 81-1301 to 81-1319 and shall be considered subject to  
 7 the State Personnel System, except the following:

8 (a) All personnel of the office of the Governor;

9 (b) All personnel of the office of the Lieutenant Governor;

10 (c) All personnel of the office of the Secretary of State;

11 (d) All personnel of the office of the State Treasurer;

12 (e) All personnel of the office of the Attorney General;

13 (f) All personnel of the office of the Auditor of Public Accounts;

14 (g) All personnel of the Legislature;

15 (h) All personnel of the court systems;

16 (i) All personnel of the Board of Educational Lands and Funds;

17 (j) All personnel of the Public Service Commission;

18 (k) All personnel of the Nebraska Brand Committee;

19 (l) All personnel of the Commission of Industrial Relations;

20 (m) All personnel of the State Department of Education;

21 (n) All personnel of the Nebraska state colleges and the Board of

22 Trustees of the Nebraska State Colleges;

23 (o) All personnel of the University of Nebraska;

24 (p) All personnel of the Coordinating Commission for Postsecondary

- 25 Education;
- 26 (q) All personnel of the Governor's Policy Research Office, but not
- 27 to include personnel within the State Energy Office;
- 1 (r) All personnel of the Commission on Public Advocacy;
- 2 (s) All agency heads;
- 3 (t)(i) The Director of Behavioral Health of the Division of
- 4 Behavioral Health; (ii) the Director of Children and Family Services of
- 5 the Division of Children and Family Services; (iii) the Director of
- 6 Developmental Disabilities of the Division of Developmental Disabilities;
- 7 (iv) the Director of Medicaid and Long-Term Care of the Division of
- 8 Medicaid and Long-Term Care; and (v) the Director of Public Health of the
- 9 Division of Public Health;
- 10 (u) The chief medical officer established under section 81-3115, the
- 11 Administrator of the Office of Juvenile Services, and the chief executive
- 12 officers of the Beatrice State Developmental Center, Lincoln Regional
- 13 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island
- 14 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,
- 15 Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment
- 16 Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;
- 17 (v) The chief executive officers of all facilities operated by the
- 18 Department of Correctional Services and the medical director for the
- 19 department appointed pursuant to section 83-4,156;
- 20 (w) All personnel employed as pharmacists, physicians,
- 21 psychiatrists, or psychologists by the Department of Correctional
- 22 Services;
- 23 (x) All personnel employed as pharmacists, physicians,
- 24 psychiatrists, psychologists, service area administrators, or facility
- 25 operating officers of the Department of Health and Human Services or the
- 26 Department of Veterans' Affairs;
- 27 (y) Deputies and examiners of the Department of Banking and Finance
- 28 and the Department of Insurance as set forth in sections 8-105 and
- 29 44-119, except for those deputies and examiners who remain in the State
- 30 Personnel System; ~~and~~
- 31 (z) All personnel of the Tax Equalization and Review Commission;
- 1 and -
- 2 (aa) The associate director of the Conservation Division of the
- 3 Nebraska State Historical Society and all personnel employed as a
- 4 Conservator I or Conservator II of the Conservation Division of the
- 5 Nebraska State Historical Society.

6 (2) At each agency head's discretion, up to the following number of  
 7 additional positions may be exempted from the State Personnel System,  
 8 based on the following agency size categories:

9	Number of Agency	Number of Noncovered
10	Employees	Positions
11	less than 25	0
12	25 to 100	1
13	101 to 250	2
14	251 to 500	3
15	501 to 1000	4

16	1001 to 2000	5
17	2001 to 3000	8
18	3001 to 4000	11
19	4001 to 5000	40
20	over 5000	50

21 The purpose of having such noncovered positions shall be to allow  
 22 agency heads the opportunity to recruit, hire, and supervise critical,  
 23 confidential, or policymaking personnel without restrictions from  
 24 selection procedures, compensation rules, career protections, and  
 25 grievance privileges. Persons holding the noncovered positions shall  
 26 serve at the pleasure of the agency head and shall be paid salaries set  
 27 by the agency head. An agency with over five thousand employees shall  
 28 provide notice in writing to the Health and Human Services Committee of  
 29 the Legislature when forty noncovered positions have been filled by the  
 30 agency head pursuant to this subsection.

1 (3) No changes to this section or to the number of noncovered  
 2 positions within an agency shall affect the status of personnel employed  
 3 on the date the changes become operative without their prior written  
 4 agreement. A state employee's career protections or coverage by personnel  
 5 rules and regulations shall not be revoked by redesignation of the  
 6 employee's position as a noncovered position without the prior written  
 7 agreement of such employee.

8 Sec. 2. Section 82-101.01, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 82-101.01 (1) The initial board of trustees shall be comprised of  
 11 the current members of the society's board of directors. As their terms  
 12 expire under the society's presently existing bylaws, their successors  
 13 shall be selected. Those outgoing board members who were elected shall be  
 14 replaced by trustees elected by the society's membership as provided in  
 15 this section. Those outgoing board members who were gubernatorial  
 16 appointments shall be replaced by trustees appointed by the Governor. The  
 17 trustees who are elected shall be elected for three-year terms from the  
 18 same congressional district as the trustees whose terms have expired. The  
 19 trustees selected by the Governor shall be appointed for three-year terms  
 20 from the same congressional district as the trustees whose terms have  
 21 expired.

22 (2) A nominating committee comprised of society members, one from  
 23 each of the congressional districts, shall be appointed each year by the  
 24 president of the board of trustees with the approval of the board of  
 25 trustees. Such appointments shall be made at least one hundred twenty  
 26 days prior to the date of the annual meeting of the members. The  
 27 nominating committee shall file, in writing, its slate of nominees for  
 28 trustee with the secretary of the society not later than ninety days  
 29 prior to the date of the annual meeting. Thereafter, additional  
 30 nominations may be made for trustee by written petition filed by not less  
 31 than twenty-five active members of the society, which petition shall be  
 1 filed with the secretary of the society not later than sixty days prior  
 2 to the annual meeting. Candidates nominated by the nominating committee  
 3 shall file a similar petition. Not later than thirty days prior to the

4 date of the annual meeting, the secretary of the society shall deliver  
5 ~~mail~~ a ballot listing the names of the nominees to the active members of  
6 the society eligible to vote, to be marked by the members and returned to  
7 the secretary. The ballot shall be mailed or sent electronically. All  
8 ~~Such~~ returned ballots, whether sent electronically or by mail, must be  
9 received by the secretary at least ten days prior to the date of the  
10 annual meeting in order to be counted. The board of trustees shall adopt  
11 a system of ballot certification insuring a secret ballot and that the  
12 person submitting the ballot is a society member entitled to vote. The  
13 returned ballots shall be counted by the secretary of the society, and  
14 the names of the successful candidates shall be announced at the annual  
15 meeting. The ballots and other records of the election shall be retained  
16 for one year following the election until after the annual meeting and  
17 shall be available for inspection ~~by any member prior to the annual~~  
18 ~~meeting.~~ All members of the nominating committee, all members signing a  
19 nominating petition, and all members who are entitled to cast a ballot  
20 must be active members of the society who are in good standing. A member  
21 shall be considered in good standing when the member has fulfilled all  
22 requirements for membership. All general and other specified classes of  
23 members shall be eligible to vote for election or to be chosen as an  
24 officer or trustee or to serve as a member of the nominating committee.  
25 Only nominees named on the ballot shall be eligible for election. The  
26 candidate for a particular trustee post receiving the highest number of  
27 votes shall be declared elected even though such votes do not constitute  
28 a majority of the votes cast for such post. When two trustees are elected  
29 from a congressional district for a certain term, those declared elected  
30 shall be the two receiving the highest number of votes cast for such  
31 term, even though one or both fail to receive a majority of the votes  
1 cast for such term.

2 (3) The term of each trustee shall begin on January 1 of the year  
3 following the year of his or her election or appointment and shall end on  
4 December 31 of the final year of the term to which the member was elected  
5 or appointed.

6 (4) No trustee shall be eligible to serve for more than two full  
7 consecutive three-year terms but may be eligible for election or  
8 appointment to the board of trustees after having not served for at least  
9 a period of three years.

10 (5) In the event a vacancy occurs on the board of trustees, the  
11 board of trustees shall fill the position of an elected trustee for the  
12 remainder of the unexpired term and the Governor shall fill the position  
13 of an appointed trustee for the remainder of the unexpired term.

14 (6) In the event the boundaries of the congressional districts are  
15 altered or increase or decrease in number, the trustees shall continue to  
16 serve the term for which they were elected or appointed. Thereafter, the  
17 board of trustees shall be adjusted so as to be in accordance with the  
18 boundaries and number of congressional districts.

19 (7) Members of the board of trustees shall serve without pay. The  
20 trustees shall receive remuneration for travel and expenses incurred  
21 while engaged in the business of the society.

22 Sec. 3. Original section 82-101.01, Reissue Revised Statutes of  
 23 Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement,  
 24 2018, are repealed.

**LEGISLATIVE BILL 505.** Placed on General File with amendment.  
 AM125

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 43-3342.03, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:

4 43-3342.03 (1) All support orders shall direct payment of support as  
 5 provided in section 42-369. Any support order issued prior to the date  
 6 that the State Disbursement Unit becomes operative for which the payment  
 7 is to be made to the clerk of the district court shall be deemed to  
 8 require payment to the State Disbursement Unit after a notice to the  
 9 obligor is issued. Support order payments made to the clerk of the  
 10 district court shall be forwarded to the State Disbursement Unit by  
 11 electronic transfer.

12 (2) The State Disbursement Unit unit may collect a fee equal to the  
 13 actual cost of processing any payments for returned check charges or  
 14 charges for electronic payments not accepted, except that the fee shall  
 15 not exceed thirty dollars. After a payor has originated one payment two  
 16 payments resulting in a returned check ~~charges~~ or ~~charges~~ for an  
 17 electronic payment payments not accepted within a period of two years,  
 18 the unit may issue a notice to the originator that, for the following  
 19 year, any payment shall be required to be paid by money order, cashier's  
 20 check, ~~or~~ certified check, or any other form of guaranteed payment as may  
 21 be approved by the unit. After a payor has originated two payments  
 22 resulting in returned ~~checks~~ ~~check charges~~ or electronic payments not  
 23 accepted, the unit may issue a notice to the originator that all future  
 24 payments shall be paid by money order, cashier's check, ~~or~~ certified  
 25 check, or any other form of guaranteed payment as may be approved by the  
 26 unit, except that pursuant to rule and regulation and at least two years  
 27 after such issuance of notice, the unit may waive for good cause shown  
 1 such requirements for methods of payment. The fees shall be remitted to  
 2 the State Treasurer for credit to the State Disbursement Unit Cash Fund,  
 3 which is hereby created, which funds shall be used to offset the expenses  
 4 incurred in the collection of child support bad debt and other collection  
 5 expenses incurred by the unit. Any money in the fund available for  
 6 investment shall be invested by the state investment officer pursuant to  
 7 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 8 Investment Act.

9 (3) The State Disbursement Unit shall use automated procedures,  
 10 electronic processes, and computer-driven technology to the maximum  
 11 extent feasible, efficient, and economical for the collection and  
 12 disbursement of support payments.

13 (4) Employers with more than fifty employees who have an employee  
 14 with a child support order shall remit child support payments  
 15 electronically.

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

The Natural Resources 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.

Mark Czaplewski - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Donald P. Batie - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 374.** Placed on General File with amendment.

AM335

1. On page 2, line 12, strike "including XX".

(Signed) Dan Hughes, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Wednesday, March 13, 2019 1:30 p.m.

Robert E. Allen - Nebraska Game and Parks Commission  
John M. Hoggatt - Nebraska Game and Parks Commission  
LB606

Thursday, March 14, 2019 1:30 p.m.

Frank Reida - Nebraska Power Review Board  
LB285  
LB509

(Signed) Dan Hughes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 627.** Considered.

Pending.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Government, Military and Veterans Affairs - LB411

Government, Military and Veterans Affairs - LB511

Williams - LB463

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 38.** Introduced by Gragert, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2019 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Wynot Blue Devils girls' basketball team defeated the two-time defending champion Falls City Sacred Heart in the championship game by a score of 39-38; and

WHEREAS, earlier in the championship, the Wynot Blue Devils defeated the number one seed in another close game, winning 45-44; and

WHEREAS, the victory marked the Wynot Blue Devils' seventh girls' state basketball title; and

WHEREAS, the Wynot Blue Devils girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

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

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

1. That the Legislature recognizes and congratulates the Wynot High School girls' basketball team and its coaches on winning the 2019 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 627.** Considered.

**SPEAKER SCHEER PRESIDING**

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the advancement of the bill.

Senator M. Hansen challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

**PRESIDENT FOLEY PRESIDING**

Senator M. Hansen moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Morfeld requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 16:

Blood	DeBoer	Kolowski	Pansing Brooks
Bolz	Hansen, M.	Lathrop	Walz
Cavanaugh	Howard	McDonnell	Wayne
Crawford	Hunt	Morfeld	Wishart

Voting in the negative, 26:

Albrecht	Clements	Groene	Kolterman	Scheer
Arch	Dorn	Halloran	Lindstrom	Williams
Bostelman	Erdman	Hansen, B.	Lowe	
Brandt	Friesen	Hilgers	McCollister	
Brewer	Geist	Hilkemann	Moser	
Briese	Gragert	Hughes	Murman	

Present and not voting, 2:

Chambers      Quick

Absent and not voting, 1:

Vargas

Excused and not voting, 4:

La Grone      Linehan      Slama      Stinner

The M. Hansen motion to overrule the Chair failed with 16 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 25.** Placed on Final Reading.

**LEGISLATIVE BILL 25A.** Placed on Final Reading.

**LEGISLATIVE BILL 119.** Placed on Final Reading.

**LEGISLATIVE BILL 159.** Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 9, line 31, "this" has been struck and "the" inserted.
2. On page 17, line 28, "and" has been inserted after the semicolon.

**LEGISLATIVE BILL 203.** Placed on Final Reading.

**LEGISLATIVE BILL 235.** Placed on Final Reading.

**LEGISLATIVE BILL 333.** Placed on Final Reading.

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 469.** Placed on Final Reading.

**LEGISLATIVE BILL 624.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB373:

AM428

1 1. Strike original section 6.

2 2. On page 2, strike lines 5 through 15 and insert the following new  
3 subsection:

4 "(2) Beginning September 7, 2021, no wind energy generation project  
5 shall be constructed unless the county in which the project would be  
6 located has zoning regulations or a zoning resolution described in  
7 section 23-114 as prescribed in subsection (3) of this section.".

8 3. On page 8, line 2, strike "July 1, 2019" and insert "September 7,  
9 2021".

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 101.** Placed on General File.**LEGISLATIVE BILL 246.** Placed on General File.**LEGISLATIVE BILL 280.** Placed on General File.**LEGISLATIVE BILL 342.** Placed on General File.**LEGISLATIVE BILL 385.** Placed on General File.**LEGISLATIVE BILL 608.** Placed on General File with amendment.  
AM1371 1. On page 15, strike beginning with "An" in line 4 through "(4)" in  
2 line 11.**LEGISLATIVE BILL 618.** Placed on General File with amendment.  
AM5931 1. Strike the original sections and insert the following new  
2 sections:3 Section 1. Section 32-1524, Reissue Revised Statutes of Nebraska, is  
4 amended to read:5 32-1524 (1) For purposes of this section:6 (a) Electioneering means the deliberate, visible display or audible  
7 or physical dissemination of information for the purpose of advocating  
8 for or against:9 (i) Any candidate on the ballot for the election at which such  
10 display or dissemination is occurring;11 (ii) Any elected officeholder of a state constitutional office or  
12 federal office at the time of the election at which such display or  
13 dissemination is occurring;14 (iii) Any political party on the ballot for the election at which  
15 such display or dissemination is occurring; or16 (iv) Any measure on the ballot for the election at which such  
17 display or dissemination is occurring; and18 (b) Information includes:19 (i) Such a candidate's name, likeness, logo, or symbol;20 (ii) Such a ballot measure's number, title, subject matter, logo, or  
21 symbol;22 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing  
23 information prohibited by this section;24 (iv) Audible information prohibited by this section; and25 (v) Literature or any writing or drawing referring to a candidate,  
26 officeholder, or ballot measure described in subdivision (a) of this  
27 subsection.1 (2) (1) No judge or clerk of election or precinct or district  
2 inspector shall do any electioneering while acting as an election  
3 official.4 (3) (2) No person shall do any electioneering, or circulate  
5 petitions, or perform any action that involves solicitation within any  
6 polling place or any building designated for voters to cast ballots by

7 the election commissioner or county clerk pursuant to the Election Act  
 8 while the polling place or building is set up for voters to cast ballots  
 9 or within two hundred feet of any such polling place or building except  
 10 as otherwise provided in subsection (3) of this section.  
 11 ~~(4) (3)~~ Subject to any local ordinance, a person may display yard  
 12 signs on private property within two hundred feet of a polling place or  
 13 building designated for voters to cast ballots if the property is not  
 14 under common ownership with the property on which the polling place or  
 15 building is located.  
 16 ~~(5) (4)~~ Any person violating this section shall be guilty of a Class  
 17 ~~V~~ misdemeanor.  
 18 Sec. 2. Original section 32-1524, Reissue Revised Statutes of  
 19 Nebraska, is repealed.

(Signed) Tom Brewer, Chairperson

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

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

Senator Walz name added to LB15.  
 Senator Slama name added to LB205.  
 Senator Groene name added to LB209.  
 Senator Cavanaugh name added to LB217.

#### **VISITOR(S)**

Visitors to the Chamber were members of the Nebraska chapter of the Alzheimer's Association from across the state; members of the Nebraska chapter of the American Foundation for Suicide Prevention; students, teacher, and sponsor from Norfolk High School; students and teachers from Hartington-Newcastle Public School; and students from Cornerstone Christian School, Bellevue.

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

#### **ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 2019.

Patrick J. O'Donnell  
 Clerk of the Legislature

**THIRTY-SEVENTH DAY - MARCH 6, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 6, 2019

**PRAYER**

The prayer was offered by Reverend Andrew Gerike, Mt. Calvary Lutheran Church, Omaha.

**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, Groene, Hilkemann, Hughes, McDonnell, Morfeld, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Kolowski - LB619  
Blood - LB138

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 30, 31, and 32 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 30, 31, and 32.

## GENERAL FILE

**LEGISLATIVE BILL 339.** Title read. Considered.

Senator La Grone offered the following amendment:  
AM416

1 1. Insert the following new section:

2 Sec. 2. Section 24-806, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 24-806 (1) Lawyer members and alternate lawyer members of any  
5 judicial nominating commission shall be members of the bar of the State  
6 of Nebraska and shall reside in the judicial district or area of the  
7 state served by the commission except as provided in subsection (2) of  
8 this section. Not more than two lawyer members of each commission shall  
9 be registered members of the same political party or category, and not  
10 more than two alternate lawyer members shall be registered members of the  
11 same political party or category. The members of the bar who are  
12 registered members of the same political party shall elect the lawyer  
13 members and alternate lawyer members to represent that political party on  
14 a judicial nominating commission. Nominations for lawyer members of each  
15 commission shall be solicited in writing by the Clerk of the Supreme  
16 Court from all the lawyers of the district or area served on or before  
17 September 1 of each even-numbered year. Nominations of lawyer members  
18 shall be made in writing and filed in the office of the Clerk of the  
19 Supreme Court on or before October 1 of each even-numbered year. Each  
20 nomination of a lawyer member shall be accompanied by a written consent  
21 of the nominee to serve as a member of the commission if elected. The  
22 nominations shall be solicited and distributed on the ballot by the Clerk  
23 of the Supreme Court from the legally recognized political parties and in  
24 such a manner as will permit the final selection to be made within the  
25 required political party.

26 (2) If solicited nominations are insufficient to provide candidates  
27 from the permissible political parties for each vacancy, the Executive  
1 Council of the Nebraska State Bar Association, within ten days after the  
2 last day for filing nominations, shall nominate additional candidates for  
3 the position so that there shall be a qualified candidate for each  
4 position. Such candidates need not reside in the judicial district or  
5 area served by such judicial nominating commission.

6 (3) The Clerk of the Supreme Court shall mail a ballot with the name  
7 of each nominee to ~~all~~ members of the bar of Nebraska of the applicable  
8 political party residing in the judicial district or area designating a  
9 date at least ten days and not more than fourteen days after the date of  
10 such mailing by the Clerk of the Supreme Court when the ballots will be  
11 opened and counted. The ballots shall be counted by a board consisting of  
12 the Clerk of the Supreme Court, the Secretary of State, and the Attorney  
13 General or by alternates designated by any of them to serve in his or her  
14 place. The Clerk of the Supreme Court shall insure that the election is  
15 so conducted as to maintain the secrecy of the ballot and the validity of  
16 the results. The candidate of the required political party receiving the  
17 highest number of votes shall be considered as having been elected to the

18 commission. The candidate of the required political party receiving the  
 19 next highest number of votes shall be considered as having been elected  
 20 an alternate lawyer member of the commission and shall serve as a lawyer  
 21 member of the commission in the event of a lawyer member vacancy of the  
 22 same political party or category on the commission created either by  
 23 resignation or disqualification. In the case of a resignation, an  
 24 alternate lawyer member shall continue to serve as a member of the  
 25 commission until the term of office of his or her predecessor expires.  
 26 (4) In any election when more than one lawyer member of a judicial  
 27 nominating commission is to be elected, the nominees shall be submitted  
 28 without designation of the term. Each voter shall be instructed to vote  
 29 for as many nominees as there are vacancies to be filled. The candidate  
 30 receiving the highest number of votes shall be considered as having been  
 31 elected for the longest term. The candidate receiving the next highest  
 1 number of votes shall be deemed to have been elected for next to the  
 2 longest term, and if an alternate lawyer member or members are to be  
 3 elected, the candidate or candidates receiving the third and fourth  
 4 highest number of votes shall be deemed elected as the alternate lawyer  
 5 member or members. In case of ties the determination shall be made by lot  
 6 by the counting board.  
 7 2. Renumber the remaining section and correct the repealer  
 8 accordingly.

Senator La Grone withdrew his amendment.

Pending.

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 8.** Placed on Final Reading.  
**LEGISLATIVE BILL 124.** Placed on Final Reading.  
**LEGISLATIVE BILL 127.** Placed on Final Reading.  
**LEGISLATIVE BILL 139.** Placed on Final Reading.  
**LEGISLATIVE BILL 156.** Placed on Final Reading.  
**LEGISLATIVE BILL 160.** Placed on Final Reading.  
**LEGISLATIVE BILL 195.** Placed on Final Reading.  
**LEGISLATIVE BILL 319.** Placed on Final Reading.  
**LEGISLATIVE BILL 699.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Select File with amendment.

ER44

1 1. On page 1, strike beginning with "adopt" in line 1 through line 3  
 2 and insert "amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705,  
 3 and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms; to

4 change sales and use tax provisions relating to certain out-of-state  
5 retailers and multivendor marketplace platforms; to require certain  
6 retailers to obtain a sales tax permit and collect sales taxes as  
7 prescribed; to relieve certain retailers of their obligation to collect  
8 sales taxes as prescribed; to provide an operative date; to provide  
9 severability; to repeal the original sections; and to declare an  
10 emergency."

**LEGISLATIVE BILL 318.** Placed on Select File.

**LEGISLATIVE BILL 443.** Placed on Select File.

(Signed) Julie Slama, Chairperson

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Muotri, Alysson R. - Stem Cell Research Advisory Committee - Health and  
Human Services

(Signed) Mike Hilgers, Chairperson  
Executive Board

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

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

**LEGISLATIVE BILL 130A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to  
aid in carrying out the provisions of Legislative Bill 130, One Hundred  
Sixth Legislature, First Session, 2019.

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

Revenue

Room 1524

Wednesday, March 13, 2019 1:30 p.m.

LB472  
LB585  
LB707  
LB437

Thursday, March 14, 2019 1:30 p.m.

LB315  
LB349

LB410  
LB456

Friday, March 15, 2019 1:30 p.m.

LB535  
LB714  
LB724  
LB738

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 339.** Considered.

**SENATOR HUGHES PRESIDING**

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 340.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 141.** Title read. Considered.

Committee AM145, found on page 537, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA19

Amend AM145

Page 3, line 2 strike and show as stricken "or" and insert "and"

The Chambers amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

**SPEAKER SCHEER PRESIDING**

**LEGISLATIVE BILL 354.** Title read. Considered.

Committee AM112, found on page 539, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 449.** Title read. Considered.

Senator Walz offered her amendment, AM349, found on page 617.

The Walz amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 354A.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019.

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

Senator Hilgers filed the following amendment to LB617:

AM549

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

2 sections:

3 Section 1. Section 86-101, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 86-101 Sections 86-101 to 86-165 and sections 3 to 6 and 11 of this

6 act shall be known and may be cited as the Nebraska Telecommunications

7 Regulation Act.

8 Sec. 2. Section 86-103, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 86-103 For purposes of the Nebraska Telecommunications Regulation

11 Act, unless the context otherwise requires, the definitions found in

12 sections 86-103.01 to 86-121 and sections 3 to 6 of this act apply.

13 Sec. 3. Competitive local provider means a telecommunications

14 company offering a telecommunications service for which there are

15 alternative services available without regard to the technology employed.

16 Sec. 4. Internet protocol has the same meaning as in section

17 86-1011.

18 Sec. 5. Internet-protocol-enabled service or IP-enabled service  
19 means any service, capability, functionality, or application, other than  
20 voice over Internet protocol service, which uses Internet protocol or a  
21 successor protocol that enables an end user to send or receive a voice,  
22 data, or video communication utilizing a broadband connection at the end  
23 user's location.

24 Sec. 6. Voice over Internet protocol service means any service that  
25 enables real-time, two-way communication originating from or terminating  
26 at the user's location using Internet protocol or a successor protocol,  
27 that uses a broadband connection from the user's location, that requires  
1 Internet-protocol-compatible equipment, and that permits a user to  
2 receive a call that originates on the public-switched telephone network  
3 and to terminate a call to the public-switched telephone network.

4 Sec. 7. Section 86-123, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 86-123 (1) Except as provided in section 86-124, the ~~The~~ commission  
7 shall regulate the quality of telecommunications service provided by  
8 telecommunications companies and shall investigate and resolve subscriber  
9 complaints concerning quality of telecommunications service, subscriber  
10 deposits, and disconnection of telecommunications service. If such a  
11 complaint cannot be resolved informally, then, upon petition by the  
12 subscriber, the commission shall set the matter for hearing in accordance  
13 with the commission's rules and regulations for notice and hearing. The  
14 commission may by order grant or deny, in whole or in part, the  
15 subscriber's petition or provide such other relief as is reasonable based  
16 on the evidence presented at the hearing. Any such order of the  
17 commission may be enforced against any telecommunications company as  
18 provided in sections 75-140 to 75-144, and such order may be appealed by  
19 an interested party. The appeal shall be in accordance with section  
20 75-136.

21 (2) Except as provided in section 86-124, the ~~The~~ commission may  
22 regulate telecommunications company rates pursuant to sections 86-139 to  
23 86-157.

24 (3) The Nebraska Telecommunications Regulation Act shall preempt and  
25 prohibit any regulation of a telecommunications company by counties,  
26 cities, villages, townships, or any other local governmental entity.

27 Sec. 8. Section 86-124, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 86-124 (1) The commission shall not regulate the following:

30 (a) ~~(1)~~ One-way broadcast or cable television transmission of  
31 television or radio signals; ~~and~~

1 (b) ~~(2)~~ Mobile radio services, radio paging services, and wireless  
2 telecommunications service; -

3 (c) The rates, terms, conditions, definition, and standards of local  
4 exchange telecommunications service provided by a telecommunications  
5 company deemed or determined to be a competitive local provider as  
6 provided in subsection (2) of section 86-143;

7 (d) Interexchange services;

8 (e) Local exchange telecommunications service or interexchange

9 service provided as a business service; and  
10 (f) Internet-protocol-enabled service and voice over Internet  
11 protocol service, including rates, service or contract terms, conditions,  
12 or requirements for entry for such service.  
13 (2) This section shall not affect or modify:  
14 (a) The enforcement of criminal or civil laws, including, without  
15 limitation, laws concerning consumer protection and unfair or deceptive  
16 trade practices which apply generally to the conduct of business;  
17 (b) Any entity's obligations or rights or commission authority under  
18 section 86-122 and 47 U.S.C. 251 and 252, as such federal sections  
19 existed on January 1, 2019, and other federal law and any applicable  
20 carrier-to-carrier tariff rates, service quality standards,  
21 interconnection agreements, or other obligations for which the commission  
22 has jurisdiction under state or federal law;  
23 (c) Any requirement to contribute to any fund administered by the  
24 commission authorized by the Enhanced Wireless 911 Services Act and the  
25 Nebraska Telecommunications Universal Service Fund Act;  
26 (d) The eligibility and requirements for the receipt of funds from  
27 the Nebraska Telecommunications Universal Service Fund and the rules,  
28 regulations, and orders under the Nebraska Telecommunications Universal  
29 Service Fund Act or the receipt of funds from the federal universal  
30 service fund, regardless of the unregulated status of the provider's  
31 service under this section; and  
1 (e) Any entity's rights and obligations with respect to (i)  
2 registration under section 86-125, (ii) the use of public streets, roads,  
3 highways, and rights-of-way, or (iii) a certificate of public convenience  
4 and necessity or a permit.  
5 (3) Notwithstanding any other provision of the Nebraska  
6 Telecommunications Regulation Act, the commission shall retain limited  
7 authority with respect to adequacy and quality of service for local  
8 exchange telecommunications services determined to be competitive under  
9 subdivision (1)(c) of this section and section 86-143. Such authority is  
10 limited to nonbinding mediation of disputes between customers and  
11 providers.  
12 Sec. 9. Section 86-143, Reissue Revised Statutes of Nebraska, is  
13 amended to read:  
14 86-143 (1)(a) Except as provided in subdivision (b) of this  
15 subsection, in an exchange in which local competition exists,  
16 telecommunications companies shall file rate lists for each  
17 telecommunications service which shall be effective after ten days'  
18 notice to the commission.  
19 (b) Notwithstanding any other provision of Chapter 86, a  
20 telecommunications company shall not be required to file rate lists,  
21 tariffs, or contracts for any telecommunications service, including local  
22 exchange and interexchange services, provided as a business service. Upon  
23 written notice to the commission, a telecommunications company may  
24 withdraw any rate list, tariff, or contract not required to be filed  
25 under this subdivision if the telecommunications company posts the rates,  
26 terms, and conditions of its telecommunications service on the company's

27 web site.

28 (2)(a) A telecommunications company shall be deemed a competitive  
29 local provider pursuant to this subsection and its telecommunications  
30 services exempt from regulation pursuant to subdivision (1)(c) of section  
31 86-124 in any geographic area defined by that company's telephone  
1 exchange boundary. (2) Local competition shall be deemed to exist in an  
2 exchange if a telecommunications company files an application with the  
3 commission requesting a determination as to whether local competition  
4 exists in one or more exchanges specified in the application and the  
5 commission enters an order after public notice and a hearing which  
6 determines that local competition exists in such exchange or exchanges.  
7 Notwithstanding any other provision of the Nebraska Telecommunications  
8 Regulation Act, the commission may consider any wireless  
9 telecommunications service provided in the exchange or exchanges when  
10 determining whether local competition exists.

11 (b) A telecommunications company shall be deemed a competitive local  
12 provider in a telephone exchange if it files a verified statement with  
13 the commission that one of the following conditions exists with respect  
14 to the exchange designated by the telecommunications company in its  
15 verified statement: (i) The number of active residential local exchange  
16 telecommunications subscribers it then serves constitutes fifty percent  
17 or less of the total number of households, as determined by the United  
18 States Bureau of the Census or other federal agency, located in the  
19 exchange or (ii) at least sixty percent of the total number of  
20 households, as determined by the United States Bureau of the Census or  
21 other federal agency, in the exchange can choose voice service  
22 communications capability from among two or more other unaffiliated  
23 providers. Within ninety days after receipt of the telecommunication  
24 company's verified statement, the commission shall review the information  
25 provided in the verified statement, and upon failure of the commission  
26 within ninety days after receipt of the verified statement to determine  
27 that both of the conditions in subdivisions (2)(b)(i) and (ii) of this  
28 section are not met, the telecommunications company that filed the  
29 verified statement shall be deemed a competitive local provider in the  
30 exchange designated in its verified statement. Notwithstanding any other  
31 provision of the Nebraska Telecommunications Regulation Act, in  
1 determining whether at least sixty percent of the total number of  
2 households, as determined by the United States Bureau of the Census or  
3 other federal agency, in an exchange can choose voice service  
4 communications capability from among two or more other unaffiliated  
5 providers, the commission shall include the availability of all types of  
6 voice communications service offered by unaffiliated providers,  
7 regardless of the technology employed and the regulatory classification  
8 of such other providers under state or federal law, including, without  
9 limitation, wireless service, satellite service, and voice over Internet  
10 protocol service in the exchange.  
11 (3) Notwithstanding anything in Chapter 75 or Chapter 86 to the  
12 contrary, no exchange in which the incumbent telecommunications company  
13 has been deemed a competitive local provider pursuant to subsection (2)

14 of this section shall receive support for voice services under any high-  
15 cost program of the Nebraska Telecommunications Universal Service Act.  
16 The commission shall reallocate any support for voice services previously  
17 accruing to an exchange in which the incumbent telecommunications company  
18 has been deemed a competitive local provider to the high-cost program for  
19 redistribution to telecommunications companies, including the incumbent  
20 telecommunications company, for the deployment of advanced services in  
21 unserved rural areas of the state. Only that portion of support that the  
22 commission has allocated to ongoing expenses to an exchange deemed  
23 competitive shall be subject to reallocation. The amount of support to be  
24 reallocated shall be the original amount geographically allocated by the  
25 commission to the exchange as adjusted to reflect the change in the  
26 original amount of total annual support received by the incumbent  
27 telecommunications company compared to the total annual support for  
28 ongoing expenses received by the telecommunications company immediately  
29 prior to the date it is deemed a local competitive provider, while  
30 ensuring that the exchange's proportion of support for ongoing expenses  
31 is the same as the proportion of total support the exchange originally  
1 received. The notice of the hearing on the telecommunications company's  
2 application shall be given once each week for two consecutive weeks in a  
3 newspaper of general circulation in the affected area and shall state  
4 that a determination of local competition may result in the freeing of  
5 the telecommunications company from rate regulation by the commission.  
6 The notice of the hearing on the commission's motion shall be sent to the  
7 telecommunications company by certified mail, return receipt requested,  
8 and notice of such hearing shall be published in a newspaper of general  
9 circulation in the exchange area. The hearing on the commission's motion  
10 shall be held no sooner than ten days after the receipt of notice by the  
11 telecommunications company.  
12 (4) The commission may, on its own motion at any time after a  
13 determination as to whether local competition exists, reexamine and  
14 redetermine the determination after notice and a hearing on the issue.  
15 Sec. 10. Section 86-144, Reissue Revised Statutes of Nebraska, is  
16 amended to read:  
17 86-144 In exchanges in which the incumbent telecommunications  
18 company has not been deemed a competitive local provider pursuant to  
19 subsection (2) or (3) of section 86-143 (1)(a) Except as provided in  
20 subdivision (b) of this subsection, in an exchange in which local  
21 competition does not exist, telecommunications companies shall file rate  
22 lists which, for all telecommunications service not exempt from  
23 commission regulation by section 86-124. The rate lists except for basic  
24 local exchange rates, shall be effective after ten days' notice to the  
25 commission. (b) Notwithstanding any other provision of Chapter 86, a  
26 telecommunications company shall not be required to file rate lists,  
27 tariffs, or contracts for any telecommunications service, including local  
28 exchange and interexchange services, provided as a business service. Upon  
29 written notice to the commission, a telecommunications company may  
30 withdraw any rate list, tariff, or contract not required to be filed  
31 under this section subdivision if the telecommunications company posts

1 the rates, terms, and conditions of its telecommunications service on the  
2 company's web site.  
3 ~~(2) In an exchange in which local competition does not exist, basic~~  
4 ~~local exchange rates may be increased by a telecommunications company~~  
5 ~~only after ninety days' notice to all affected subscribers. Such notice~~  
6 ~~of increase shall include (a) the reasons for the rate increase, (b) a~~  
7 ~~description of the affected telecommunications service, (c) an~~  
8 ~~explanation of the right of the subscriber to petition the commission for~~  
9 ~~a public hearing on the rate increase, (d) a list of exchanges which are~~  
10 ~~affected by the proposed rate increase, and (e) the dates, times, and~~  
11 ~~places for the public informational meetings required by this section.~~  
12 ~~(3) A telecommunications company which proposes to increase its~~  
13 ~~basic local exchange rates shall hold at least one public informational~~  
14 ~~meeting in each public service commissioner district as established by~~  
15 ~~section 75-101.01 in which there is an exchange affected by the proposed~~  
16 ~~rate increase.~~  
17 Sec. 11. Nothing in the Nebraska Telecommunications Regulation Act  
18 as amended by this legislative bill shall be construed to affect sections  
19 86-133 and 86-134 or the commission's oversight authority over 911  
20 service.  
21 Sec. 12. Original sections 86-101, 86-103, 86-123, 86-124, 86-143,  
22 and 86-144, Reissue Revised Statutes of Nebraska, are repealed.  
23 Sec. 13. The following sections are outright repealed: Sections  
24 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.

### MESSAGE(S) FROM THE GOVERNOR

March 6, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 12e, 33e, 33Ae, 49, 67, 77, and 79e were received in my office on February 28, 2019.

These bills were signed and delivered to the Secretary of State on March 6, 2019.

(Signed) Sincerely,  
Pete Ricketts  
Governor

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

Senator Bolz filed the following amendment to LB481:

AM614

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. The Department of Health and Human Services shall
- 3 administer the Federal Title X Program in accordance with applicable
- 4 federal regulations in existence as of the effective date of this act.

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

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

Senator Wayne name added to LB104.

Senator B. Hansen name added to LB304.

Senator Cavanaugh name added to LB518.

**VISITOR(S)**

Visitors to the Chamber were students and sponsors from Heritage Elementary School, Bennington; Will Kathrein from Omaha; students and teacher from Lincoln Northeast High School; students from Pershing Elementary School, Lexington; students from Waverly Middle School; and members from the Civic Nebraska Leadership Academy.

The Doctor of the Day was Dr. Gilbert Head from Elkhorn.

**ADJOURNMENT**

At 11:42 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-EIGHTH DAY - MARCH 7, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 7, 2019

**PRAYER**

The prayer was offered by Pastor Steve Mason, SouthPointe Christian Church, Lincoln.

**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 Senator Hughes who was excused; and Senators Cavanaugh, Chambers, Hunt, Kolowski, McDonnell, Morfeld, Vargas, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 339.** Placed on Select File.

**LEGISLATIVE BILL 340.** Placed on Select File.

**LEGISLATIVE BILL 141.** Placed on Select File with amendment.

ER45

1 1. On page 1, strike beginning with "section" in line 1 through  
2 "section" in line 4 and insert "sections 28-115 and 28-310.01, Reissue  
3 Revised Statutes of Nebraska; to prohibit assault by strangulation or  
4 suffocation as prescribed; to provide for an enhanced penalty for assault  
5 by strangulation or suffocation of a pregnant woman; to harmonize  
6 provisions; and to repeal the original sections".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 320.** Placed on General File.**LEGISLATIVE BILL 594.** Placed on General File with amendment.

AM313

- 1 1. Strike original section 1.
- 2 2. On page 10, strike lines 15 through 17 and insert the following
- 3 new subdivision:
- 4 "(23) Violates any provision of the Nebraska Pure Food Act relating
- 5 to the labeling, packing or packaging, or advertising of food."
- 6 3. Renumber the remaining sections and correct the repealer
- 7 accordingly.

**LEGISLATIVE RESOLUTION 13.** Reported to the Legislature for further consideration with the following amendment:

AM435

- 1 1. Strike the original provisions and insert the following new
- 2 resolution:
- 3 WHEREAS, milk is a standardized food, described in 21 C.F.R.
- 4 131.110(a) as the lacteal secretion, practically free of colostrum,
- 5 obtained by the complete milking of one or more healthy cows; and
- 6 WHEREAS, further standards of identity have long been promulgated
- 7 for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related
- 8 products under the Federal Food, Drug, and Cosmetic Act and regulations
- 9 of the federal Food and Drug Administration that require milk or cream as
- 10 an essential and characteristic element of the product; and
- 11 WHEREAS, there has been an emergence and expansion of plant-based
- 12 products labeled with names that include standardized dairy food terms
- 13 such as milk, cultured milk, and cheese that are often sold in packaging
- 14 mimicking that of real dairy food counterparts and often sold within or
- 15 adjacent to the dairy display in retail stores; and
- 16 WHEREAS, such plant-based milk and other dairy food analog products
- 17 may not have the same basic nature and characterizing composition as real
- 18 dairy counterparts and differ in physical properties, nutritional
- 19 composition, flavor characteristics, and shelf life such that they are
- 20 not suitable dairy food substitutes, and, except for fortified soy
- 21 beverages, do not meet the recommendation for dairy food group intake in
- 22 the 2015-2020 Dietary Guidelines for Americans published by the United
- 23 States Department of Agriculture and the United States Department of
- 24 Health and Human Services; and
- 25 WHEREAS, consumer demand for such plant-based dairy food analog
- 26 products is in part derived from cultivating consumer perceptions that
- 27 falsely equate such products compositionally, nutritionally, and
- 1 functionally with real dairy food products by utilization of the term
- 2 milk and other standardized dairy food product terms in non-dairy product
- 3 names; and
- 4 WHEREAS, such change in perception is eroding the market distinction

5 and the unique cultural, dietary, historical, and culinary values  
6 consumers associate with high-quality dairy products supplied by  
7 America's dairy farmers; and  
8 WHEREAS, the Food and Drug Administration has initiated a review of  
9 labeling issues associated with the use of milk and other dairy terms  
10 with standardized definitions in the names of products that are derived  
11 from non-dairy sources in Docket ID FDA-2018-N-3522 and has invited  
12 comments regarding how consumers understanding, perception, purchase  
13 practices, and consumption of plant-based milk and other dairy food  
14 analog products is influenced by the use of milk and other standardized  
15 dairy terms to identify non-dairy products; and  
16 WHEREAS, the Legislature of North Carolina during its 2018 session  
17 became the first state legislature to enact legislation through passage  
18 of SB711 which directs the North Carolina Department of Agriculture to  
19 prepare regulations and enforcement policies to address mislabeling of  
20 plant-based milk and other dairy food analog products and to implement  
21 such regulations when at least ten other states pass similar legislation;  
22 and  
23 WHEREAS, additional states may consider similar legislation in the  
24 absence of clear federal direction and enforcement of the use of  
25 standardized dairy food terms for the labeling of plant-based milk and  
26 other dairy food analog products.  
27 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
28 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
29 1. That the Legislature urges the appropriate federal agencies of  
30 the United States Government responsible for food labeling to:  
31 a. Establish and enforce standards for nomenclature of plant-based  
1 imitation milk and dairy food products that are truthful, not misleading,  
2 and sufficient to differentiate non-dairy derived beverages and food  
3 products from milk and dairy products that conform to the standard of  
4 identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;  
5 b. Enforce product labeling and statements of product identity that  
6 exclusively reserve the use of the term milk and other standardized dairy  
7 food product terms such as yogurt, butter, ice cream, and cheese to  
8 products derived from real dairy origin that conform to the standards of  
9 identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug,  
10 and Cosmetic Act; and  
11 c. Ensure certainty and consistency in regulation of the labeling of  
12 traditional dairy milk and other real dairy food products and plant-based  
13 beverages and other dairy food analog products to aid consumer  
14 understanding of the distinction between such products and to avoid  
15 market distortion.  
16 2. That a copy of this resolution be sent to President Donald J.  
17 Trump, Commissioner of Food and Drugs of the United States Department of  
18 Health and Human Services Scott Gottlieb, M.D., United States Secretary  
19 of Agriculture George E. (Sonny) Perdue, III, and to each member of  
20 Nebraska's congressional delegation.

(Signed) Steve Halloran, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 39.** Introduced by Blood, 3; Crawford, 45.

WHEREAS, Madison DeMeo, age 13, has worked tirelessly to help those in her Bellevue community who are less fortunate; and

WHEREAS, Madison was recently nominated for and selected by the U.S. Cellular Future of Good program; and

WHEREAS, Madison was one of sixteen young humanitarians under age sixteen to be awarded a \$10,000 prize to give to a charity of her choice.

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

1. That the Legislature congratulates Madison DeMeo on her ongoing efforts helping those in need.
2. That a copy of this resolution be sent to Madison DeMeo.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Monday, March 18, 2019 1:30 p.m.

LB252  
LB591  
LB722

(Signed) Tom Briese, Chairperson

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 6, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Douglas, Eric  
Prime Therapeutics, LLC  
Houghton Bradford Whitted PC, LLO  
Hanger Inc.  
Jensen, Scott  
American Federation for Children  
Linehan, Katie  
American Federation for Children

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 33 and 34 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 33 and 34.

### **GENERAL FILE**

**LEGISLATIVE BILL 354A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

### **MOTION(S) - Withdraw LB715**

Senator Hilkemann offered his motion, MO18, found on page 638 and corrected on page 659, to withdraw LB715.

The Hilkemann motion to withdraw the bill prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

### **RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

### **LEGISLATIVE RESOLUTION 1CA.**

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 2:

I-2 There shall be neither slavery nor involuntary servitude in this state, ~~otherwise than for punishment of crime, whereof the party shall have been duly convicted.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 22.**

A BILL FOR AN ACT relating to nursing facilities; to amend sections 71-2097, 71-2098, and 71-20,100, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to distribution of the Nursing Facility Penalty Cash Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Friesen	Howard	Morfeld	Wayne
Brandt	Geist	Hunt	Moser	Williams
Brewer	Gragert	Kolowski	Murman	Wishart
Briese	Groene	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 4:

Chambers        Hughes        McDonnell        Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 74.**

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and sections 38-2801 and 38-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for validation of acts, tasks, and functions by certified pharmacy technicians as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	La Grone	Quick
Arch	Crawford	Hansen, B.	Lathrop	Scheer
Blood	DeBoer	Hansen, M.	Lindstrom	Slama
Bolz	Dorn	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brandt	Friesen	Howard	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 4:

Chambers        Hughes        McDonnell        Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 80.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to identification inspections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 81.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Hughes	McDonnell	Vargas
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1278 and 60-151, Revised Statutes Cumulative Supplement, 2018; to change a certificate of title application signature requirement as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	DeBoer	Hilkemann	Linehan	Stinner
Bolz	Dorn	Howard	McCollister	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	Kolterman	Pansing Brooks	Wishart
Briese	Hansen, B.	La Grone	Quick	
Cavanaugh	Hansen, M.	Lathrop	Scheer	

Voting in the negative, 6:

Albrecht	Erdman	Halloran
Clements	Groene	Lowe

Present and not voting, 1:

Moser

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB192 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 192.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 192A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 200.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure under the Health Care Facility Licensure Act of mental health substance use treatment centers providing civil protective custody for intoxicated persons; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	La Grone	Quick
Arch	Crawford	Hansen, B.	Lathrop	Scheer
Blood	DeBoer	Hansen, M.	Lindstrom	Slama
Bolz	Dorn	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brandt	Friesen	Howard	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 4:

Chambers	Hughes	McDonnell	Vargas
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 256.** With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1509, Reissue Revised Statutes of Nebraska; to authorize insurance coverage for community college boards of governors members as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Erdman	Hilkemann	Lowe	Stinner
Bostelman	Friesen	Howard	McCollister	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Dorn

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 307.**

A BILL FOR AN ACT relating to water; to amend sections 71-5316, 71-5318, 71-5325, and 71-5327, Reissue Revised Statutes of Nebraska, and section 81-15,151, Revised Statutes Cumulative Supplement, 2018; to update a reference to federal law; to provide for transfers between funds by the Director of Environmental Quality; to change authorized terms of loans; to eliminate a termination provision; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, B.	Lathrop	Quick
Blood	DeBoer	Hansen, M.	Lindstrom	Scheer
Bolz	Dorn	Hilgers	Linehan	Slama
Bostelman	Erdman	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hughes      McDonnell      Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 52.**

A BILL FOR AN ACT relating to state government; to amend sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska; to define terms; to require public funds to be recorded in the state accounting system

and invested by the state investment officer as prescribed; to provide for enforcement; to change and eliminate provisions relating to the transfer and use of funds under the Nebraska educational savings plan trust; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilgers	Lowe	Vargas
Blood	Dorn	Hilkemann	McCollister	Walz
Bolz	Erdman	Howard	Morfeld	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      Hughes      McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 152.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Cumulative Supplement, 2018; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 214.**

A BILL FOR AN ACT relating to state government; to authorize cession of certain lands to the United States.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Wayne
Bostelman	Friesen	Hunt	Morfeld	Williams
Brandt	Geist	Kolowski	Moser	Wishart
Brewer	Gragert	Kolterman	Murman	
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 223.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to provide powers and duties for the Adjutant General relating to a state-sponsored insurance program for guard members; and to define a term.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilgers	Lowe	Stinner
Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bolz	Erdman	Hunt	Morfeld	Wayne
Bostelman	Friesen	Kolowski	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Brewer	Gragert	La Grone	Pansing Brooks	
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, B.	Lindstrom	Scheer	
Clements	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 442.**

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilgers	McCollister	Vargas
Blood	Dorn	Hilkemann	McDonnell	Walz
Bolz	Erdman	Howard	Morfeld	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB536 with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 536.**

A BILL FOR AN ACT relating to trusts; to amend sections 30-3805, 30-3808, 30-3855, and 30-3859, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Directed Trust Act; to provide for applicability; to change and eliminate related Uniform Trust Code provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 30-3873, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 25.**

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 25A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 103.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska; to change the procedure for setting a political subdivision's property tax request; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 119.**

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, 71-7912, and 71-7913, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for immunity from liability and confidentiality of information relating to peer review; to provide a burden of proof relating to the protection of certain communications and documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Lathrop	Pansing Brooks
Arch	Crawford	Hansen, B.	Lindstrom	Quick
Blood	DeBoer	Hansen, M.	Linehan	Scheer
Bolz	Dorn	Hilgers	Lowe	Slama
Bostelman	Erdman	Hilkemann	McCollister	Stinner
Brandt	Friesen	Howard	McDonnell	Vargas
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh	Groene	La Grone	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Kolowski Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB159 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2706, 44-2707, 44-2708, 44-2709, 44-2713, 44-2718, and 44-2719.01, Reissue Revised Statutes of Nebraska, and sections 44-2702, 44-2703, and 44-2719.02, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Nebraska Life and Health Insurance Guaranty Association Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 185.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 203.**

A BILL FOR AN ACT relating to the Music Licensing Agency Act; to amend section 59-1402, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilgers	Lowe	Vargas
Blood	Dorn	Hilkemann	McCollister	Walz
Bolz	Erdman	Howard	McDonnell	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 235.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to prohibited acts; to change exceptions for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Linehan	Slama
Bolz	Dorn	Hilgers	Lowe	Stinner
Bostelman	Erdman	Hilkemann	McCollister	Vargas
Brandt	Friesen	Howard	McDonnell	Walz
Brewer	Geist	Hunt	Moser	Wayne
Briese	Gragert	Kolowski	Murman	Williams
Cavanaugh	Groene	Kolterman	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

La Grone Morfeld

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 333.**

A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement, 2018; to update federal references; to redefine a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lowe	Stinner
Arch	DeBoer	Hilgers	McCollister	Vargas
Blood	Dorn	Hilkemann	McDonnell	Walz
Bolz	Erdman	Hunt	Morfeld	Wayne
Bostelman	Friesen	Kolowski	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Brewer	Gragert	La Grone	Pansing Brooks	
Briese	Groene	Lathrop	Quick	
Cavanaugh	Halloran	Lindstrom	Scheer	
Clements	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 372.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Reissue Revised Statutes of Nebraska; to change provisions relating to classes and subclasses of agricultural land and horticultural land; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB380 with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 380.**

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2401, 44-2403, 44-2406, 44-2407, 44-2409, 44-2410, 44-2411, 44-2415, and 44-2418, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change powers and duties of the Nebraska Property and Liability Guaranty Association and the Director of Insurance as prescribed; to change provisions relating to the exhaustion of remedies by

claimants; to provide for a stay in proceedings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 406.** With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 24-345, 25-2717, 69-1311, 69-1317, and 69-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned property notices, disposition of funds, transfers of funds, and duties of the State Treasurer; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilgers	Lowe	Stinner
Arch	Dorn	Hilkemann	McCollister	Vargas
Blood	Erdman	Howard	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Brewer	Groene	La Grone	Pansing Brooks	
Briese	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	
Crawford	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Chambers      Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB469 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 469.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-5501, 44-5507, 44-7508.02, 44-7513, and 44-7514, Reissue Revised Statutes of Nebraska, and sections 44-5502 and 44-5508, Revised Statutes Cumulative Supplement, 2018; to define a term; to authorize domestic surplus lines insurers as prescribed and change requirements for nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate requirements for the adoption of certain rules and regulations and change provisions relating to exemptions from policy form approval under the Property and Casualty Insurance Rate and Form Act; to eliminate provisions relating to employee benefit plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, and 44-7512, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilgers	Lowe	Stinner
Arch	Dorn	Hilkemann	McCollister	Vargas
Blood	Erdman	Howard	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Brewer	Groene	La Grone	Pansing Brooks	
Briese	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	
Crawford	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Chambers      Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB622 with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 622.**

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2386, 77-2387, 77-2388, 77-2392, 77-2394, 77-2395, 77-2396, 77-2397, 77-2398, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to securing deposits, setting deposit guaranty bond and securities values, designating duties, and default procedures; to provide for pooled collateral; to provide powers and duties for the Director of Banking and Finance; to provide immunity for the director and administrator as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, B.	Lathrop	Pansing Brooks
Arch	DeBoer	Hansen, M.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Scheer
Bolz	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Howard	McCollister	Stinner
Brandt	Geist	Hunt	McDonnell	Vargas
Brewer	Gragert	Kolowski	Morfeld	Wayne
Briese	Groene	Kolterman	Moser	Williams
Clements	Halloran	La Grone	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh     Walz

Excused and not voting, 2:

Chambers     Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 624.**

A BILL FOR AN ACT relating to the Nebraska Craft Brewery Board; to amend section 53-502, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to terms of office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, B.	Lathrop	Pansing Brooks
Arch	DeBoer	Hansen, M.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Scheer
Bolz	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Howard	McCollister	Stinner
Brandt	Geist	Hunt	McDonnell	Vargas
Brewer	Gragert	Kolowski	Morfeld	Wayne
Briese	Groene	Kolterman	Moser	Williams
Clements	Halloran	La Grone	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR1CA and LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103, 119, 159, 185, 203, 235, 333, 372, 380, 406, 469, 622, and 624.

#### **SELECT FILE**

**LEGISLATIVE BILL 224.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 16.** Senator Briese offered the following amendment:

AM636

1 1. On page 4, strike lines 1 through 21 and insert the following new  
 2 subdivision:  
 3 "(9) Information that relates details of physical and cyber assets  
 4 of critical energy infrastructure or critical electric infrastructure,  
 5 including (a) specific engineering, vulnerability, or detailed design  
 6 information about proposed or existing critical energy infrastructure or  
 7 critical electric infrastructure that (i) relates details about the  
 8 production, generation, transportation, transmission, or distribution of  
 9 energy, (ii) could be useful to a person in planning an attack on such  
 10 critical infrastructure, and (iii) does not simply give the general  
 11 location of the critical infrastructure and (b) the identity of personnel

12 whose primary job function makes such personnel responsible for (i)  
13 providing or granting individuals access to physical or cyber assets or  
14 (ii) operating and maintaining physical or cyber assets, if a reasonable  
15 person, knowledgeable of the electric utility or energy industry, would  
16 conclude that the public disclosure of such identity could create a  
17 substantial likelihood of risk to such physical or cyber assets.  
18 Subdivision (9)(b) of this section shall not apply to the identity of a  
19 chief executive officer, general manager, vice president, or board member  
20 of a public entity that manages critical energy infrastructure or  
21 critical electric infrastructure. The lawful custodian of the records  
22 must provide a detailed job description for any personnel whose identity  
23 is withheld pursuant to subdivision (9)(b) of this section. For purposes  
24 of subdivision (9) of this section, critical energy infrastructure and  
25 critical electric infrastructure mean existing and proposed systems and  
26 assets, including a system or asset of the bulk-power system, whether  
27 physical or virtual, the incapacity or destruction of which would  
1 negatively affect security, economic security, public health or safety,  
2 or any combination of such matters;".

The Briese amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 116.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 145.** ER37, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 384.** ER39, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660.** ER38, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 486.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 254.** ER40, found on page 611, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 48.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 112.** ER42, found on page 638, was adopted.

Senator Howard offered her amendment, AM526, found on page 697.

The Howard amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 112A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 29.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 575.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 125.** ER41, found on page 638, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 284.** ER44, found on page 729, was adopted.

Senator Linehan offered the following amendment:

AM643

(Amendments to Standing Committee amendments, AM392)

- 1 1. On page 8, line 7, strike "or" and show as stricken; in line 11
- 2 strike the period, show as stricken, and insert "; or"; and after line 11
- 3 insert the following new subdivision:
- 4 "(e) Any payment processor appointed by a retailer whose sole
- 5 activity with regard to a sale or lease transaction is to process the
- 6 payment made from the customer to the retailer."
- 7 2. On page 9, line 15, after the period insert "Such retailer shall
- 8 also be subject to the Local Option Revenue Act and sections 13-319 and
- 9 13-2813 and shall collect and remit the sales tax due under such act and
- 10 sections."
- 11 3. On page 15, line 15, strike "jointly"; and after line 16 insert
- 12 the following new subdivision:
- 13 "(f) A multivendor marketplace platform is relieved of its
- 14 obligation to collect and remit the correct amount of state and local
- 15 sales taxes to Nebraska to the extent that the multivendor marketplace

16 platform can establish that the error was due to insufficient or  
 17 incorrect information given to the multivendor marketplace platform by  
 18 the seller and relied on by the multivendor marketplace platform. This  
 19 subdivision shall not apply if the multivendor marketplace platform and  
 20 the seller are related persons under either section 267(b) or (c) or  
 21 section 707(b) of the Internal Revenue Code of 1986 or if the seller is  
 22 also the multivendor marketplace platform operator."

The Linehan amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 399.** ER43, found on page 639, was adopted.

Senator Chambers withdrew his amendment, FA15, found on page 574.

Senator Hunt offered her amendment, AM443, found on page 575.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Chambers requested a record vote on the Hunt amendment.

Voting in the affirmative, 12:

Bolz	Howard	Morfeld	Vargas
Cavanaugh	Hunt	Pansing Brooks	Wayne
Chambers	Kolowski	Quick	Wishart

Voting in the negative, 31:

Albrecht	Clements	Groene	Lathrop	Scheer
Arch	DeBoer	Halloran	Lindstrom	Slama
Blood	Dorn	Hansen, B.	Linehan	Williams
Bostelman	Erdman	Hilgers	Lowe	
Brandt	Friesen	Hilkemann	McDonnell	
Brewer	Geist	Kolterman	Moser	
Briese	Gragert	La Grone	Murman	

Present and not voting, 2:

Crawford      Hansen, M.

Excused and not voting, 4:

Hughes      McCollister      Stinner      Walz

The Hunt amendment lost with 12 ayes, 31 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

#### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 2019, at 10:50 a.m. were the following: LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256e, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103e, 119, 159e, 185, 203, 235, 333, 372, 380, 406e, 469, 622, and 624.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

#### PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 7, 2019, at 10:40 a.m. was the following: LR1CA.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

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

Senator Hilkemann filed the following amendment to LB716:  
AM524

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Health Information Initiative Act.  
5 Sec. 2. The purpose of the Health Information Initiative Act is to  
6 require the chief executive officer of the Department of Health and Human  
7 Services to designate a health information exchange to provide the data  
8 infrastructure needed to assist in operating the medical assistance  
9 program by facilitating health record interoperability, care  
10 coordination, care transition management, and related systems integrator  
11 services.  
12 Sec. 3. For purposes of the Health Information Initiative Act:  
13 (1) Department means the Department of Health and Human Services;  
14 and  
15 (2) Designated health information exchange means the entity selected  
16 pursuant to section 7 of this act.  
17 Sec. 4. Subject to oversight and approval by the department as  
18 required by applicable law, the designated health information exchange  
19 shall provide the governance oversight necessary to ensure that any  
20 health information in the designated health information exchange received  
21 from or on behalf of the department may be accessed, used, or disclosed

22 only in accordance with the privacy and security protections set forth in  
 23 the federal Health Insurance Portability and Accountability Act of 1996,  
 24 Public Law 104-191, and regulations promulgated thereunder, as such act  
 25 and regulations existed on January 1, 2019, and in compliance with  
 26 sections 81-663 to 81-675 or the laws governing a specific registry or  
 27 set of health data, as well as all other applicable laws. All protected  
 1 health information and personally identifiable information provided to  
 2 the designated health information exchange is confidential and not a  
 3 public record.

4 Sec. 5. The department shall, to the extent allowed by applicable  
 5 law, provide the designated health information exchange with data related  
 6 to health care delivery and claims which is collected by the Division of  
 7 Medicaid and Long-Term Care of the department and the Division of Public  
 8 Health of the department and other departmental data sets in order for  
 9 the designated health information exchange to carry out the purpose of  
 10 the Health Information Initiative Act. This section applies only to  
 11 health care delivery and claims related data and does not apply to  
 12 administrative data sets that do not inform health care delivery. The  
 13 department and the designated health information exchange may clarify  
 14 operational parameters by supplemental agreements.

15 Sec. 6. To the extent allowed by applicable law, each health care  
 16 facility as defined in section 71-413, home health service, laboratory,  
 17 medicaid managed care organization, federally qualified health center,  
 18 rural health clinic, local public health department, and other health  
 19 care entity providing health care in Nebraska shall participate in and  
 20 connect to the designated health information exchange in order to share  
 21 clinical information pursuant to common data exchange standards. If such  
 22 facility or entity is unable to connect to the designated health  
 23 information exchange, the entity may submit a waiver request to the  
 24 department and the designated health information exchange for  
 25 consideration. The designated health information exchange shall provide  
 26 validation to the department regarding any technical inability of such  
 27 facility or entity to connect to the designated health information  
 28 exchange. If the designated health information exchange validates such  
 29 technical inability, the department may approve such waiver.

30 Sec. 7. The chief executive officer of the department shall select  
 31 the designated health information exchange.

1 Sec. 8. The Health Information Initiative Fund is created. The fund  
 2 shall consist of funds appropriated by the Legislature for the Health  
 3 Information Initiative Act. The fund may receive funds from health care  
 4 facilities and entities described in section 6 of this act, private  
 5 funds, donations, or other sources of funding. Any money in the Health  
 6 Information Initiative Fund available for investment shall be invested by  
 7 the state investment officer pursuant to the Nebraska Capital Expansion  
 8 Act and the Nebraska State Funds Investment Act.

Senator Williams filed the following amendment to LB463:  
 AM553

1 1. On page 8, line 5, strike "subsection", show as stricken, and  
 2 insert "subsections" and after "(2)" insert "and (3)"; and after line 15  
 3 insert the following new subsection:

4 "(3) Tax sale certificates sold and issued between January 1, 2017,  
 5 and the effective date of this act shall be governed by the laws and  
 6 statutes that are in effect on the effective date of this act with regard  
 7 to all matters relating to tax deed proceedings, including noticing and  
 8 application, and foreclosure proceedings."

Senator Quick filed the following amendment to LB269:  
 AM611 is available in the Bill Room.

Senator Linehan filed the following amendment to LB610:  
 AM481 is available in the Bill Room.

Senator McDonnell filed the following amendment to LB445:  
 AM641  
 (Amendments to Standing Committee amendments, AM520)  
 1 1. On page 2, line 21, strike "sixty" and insert "ninety".

Senator Slama filed the following amendment to LB399:  
 AM617  
 (Amendments to E&R amendments, ER43)  
 1 1. On page 5, strike beginning with the comma in line 27 through  
 2 "dismissal" in line 30, show the old matter as stricken, and insert "  
 3 Neglect thereof by any employee may be considered a cause for dismissal".

Senator Vargas filed the following amendment to LB399:  
 AM565  
 (Amendments to E&R amendments, ER43)  
 1 1. On page 3, line 4, after "student" insert ", except for any  
 2 student receiving specialized instruction for limited English proficiency  
 3 who has been receiving such instruction for less than two years, any  
 4 student receiving special education services for whom such curriculum  
 5 requirement would conflict with the individualized education plan, and  
 6 any student receiving services under a plan pursuant to the requirements  
 7 of section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794,  
 8 or Title II of the federal Americans with Disabilities Act of 1990, 42  
 9 U.S.C. 12131 to 12165, as such acts and sections existed on January 1,  
 10 2019, for whom such curriculum requirement would conflict with such  
 11 section 504 or Title II plan".

Senator Chambers filed the following amendment to LB399:  
 FA20  
 Amend ER43  
 Page 1, line 5 strike "are" and insert "be".

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

Senator Chambers filed the following motion to LB399:  
 MO21  
 Recommit to the Education Committee.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Friday, March 15, 2019 1:30 p.m.

AM524 to LB716

Thursday, March 28, 2019 1:00 p.m.

Community Services Block Grant Briefing

(Signed) Sara Howard, Chairperson

Education

Room 1525

Monday, March 18, 2019 1:30 p.m.

LB668

LB640

LB537

LB568

Tuesday, March 19, 2019 1:30 p.m.

LB679

LB647

LB350

LB351

(Signed) Mike Groene, Chairperson

Revenue

Room 1524

Thursday, March 14, 2019 1:30 p.m.

AM481

Note: Amendment to LB610

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 305.** Placed on General File with amendment.

AM592

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Healthy and Safe Families and Workplaces Act.

5 Sec. 2. For purposes of the Healthy and Safe Families and  
6 Workplaces Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) Department means the Department of Labor;

9 (3) Domestic abuse means any behavior within an intimate  
10 relationship that causes physical, psychological, or emotional harm to  
11 those in the relationship, including behavior that causes the employee  
12 fear or concern for his or her own safety or the safety of someone close  
13 to the employee or behavior done with the intent to harm or exert control  
14 over the employee;

15 (4) Domestic assault means domestic assault in the first, second, or  
16 third degree under section 28-323 or any similar crime committed in  
17 another state;

18 (5) Employee means any individual employed by an employer who  
19 receives compensation from such employer and includes recipients of  
20 public benefits who are engaged in work activity as a condition of  
21 receiving public assistance. Employee includes both full-time and part-  
22 time employees. Employee does not include a minor child employed by his  
23 or her parent.

24 (6) Employer includes any individual, partnership, limited liability  
25 company, association, corporation, business trust, legal representative,  
26 or any organized group of persons employing four or more employees at any  
27 one time, excluding any employees who work no more than twenty weeks in  
1 any calendar year, but does not include the United States, the State of  
2 Nebraska, or any political subdivision thereof;

3 (7) Family member means:

4 (a) A biological, adopted, or foster child, a stepchild, or a legal  
5 ward of an employee or the employee's spouse or a person to whom the  
6 employee or the employee's spouse stood in loco parentis when such person  
7 was a minor child, regardless of the age or dependency status of such  
8 child, stepchild, legal ward, or person;

9 (b) A biological, adoptive, or foster parent, a stepparent, or a  
10 legal guardian of an employee or the employee's spouse or a person who  
11 stood in loco parentis to the employee or the employee's spouse when the  
12 employee or the employee's spouse was a minor child;

13 (c) An employee's spouse; or

14 (d) A grandparent, grandchild, or sibling, whether of a biological,  
15 foster, adoptive, or step relationship, of the employee or the employee's  
16 spouse;

17 (8) Health care professional means any person licensed under federal

18 or state law to provide medical or emergency services, including, but not  
19 limited to, doctors, nurses, and emergency room personnel;

20 (9) Paid sick and safe time means time that is compensated at the  
21 same hourly rate and with the same benefits, including health care  
22 benefits, as the employee normally earns during hours worked and is  
23 provided by an employer to an employee for the purposes described in  
24 section 4 of this act, but in no case shall the hourly wage be less than  
25 that provided under the Wage and Hour Act;

26 (10) Sexual assault means sexual assault under section 28-319 or  
27 28-320, sexual assault of a child under section 28-319.01 or 28-320.01,  
28 sexual assault by use of an electronic communication device under section  
29 28-320.02, or any similar crime committed in another state; and

30 (11) Stalking means stalking under section 28-311.03 or any similar  
31 crime committed in another state.

1 Sec. 3. (1) Employees shall accrue a minimum of one hour of paid  
2 sick and safe time for every thirty hours worked. Such employees shall  
3 not accrue more than forty hours of paid sick and safe time in a calendar  
4 year unless the employer selects a higher limit.

5 (2) Employees who are exempt from overtime requirements under 29  
6 U.S.C. 213(a)(1) shall be assumed to work forty hours in each work week  
7 for purposes of paid sick and safe time accrual unless their normal work  
8 week is less than forty hours, in which case paid sick and safe time  
9 accrues based upon that normal work week.

10 (3) Paid sick and safe time accrual shall begin at the commencement  
11 of employment.

12 (4) Employees shall be entitled to use accrued paid sick and safe  
13 time beginning on the sixtieth calendar day following commencement of  
14 employment. After the sixtieth calendar day, employees may use paid sick  
15 and safe time as it is accrued.

16 (5) Paid sick and safe time shall be carried over to subsequent  
17 calendar years, except that an employee's use of paid sick and safe time  
18 in each calendar year shall not exceed forty hours unless the employer  
19 selects a higher limit.

20 (6) Any employer with a paid leave policy, such as a paid time off  
21 policy, who makes available an amount of paid leave which is sufficient  
22 to meet the accrual requirements for paid sick and safe time under this  
23 section and which may be used for the same purposes and under the same  
24 conditions as paid sick and safe time under the Healthy and Safe Families  
25 and Workplaces Act is not required to provide additional paid sick and  
26 safe time.

27 (7) Nothing in this section shall be construed as requiring  
28 financial or other reimbursement to an employee from an employer upon the  
29 employee's termination, resignation, retirement, or other separation from  
30 employment for accrued paid sick and safe time that has not been used.

31 (8) If an employee is transferred to a separate division, entity, or  
1 location, but remains employed by the same employer, the employee shall  
2 be entitled to all paid sick and safe time accrued at the prior division,  
3 entity, or location and is entitled to use all paid sick and safe time as  
4 provided in this section. When there is a separation from employment and

5 the employee is rehired within six months after separation by the same  
6 employer, previously accrued paid sick and safe time that had not been  
7 used shall be reinstated, and the employee shall be entitled to use  
8 accrued paid sick and safe time and accrue additional paid sick and safe  
9 time at the recommencement of employment.

10 (9) At its discretion, the employer may loan paid sick and safe time  
11 to the employee in advance of accrual by such employee.

12 Sec. 4. (1) An employer shall allow an employee to use paid sick  
13 and safe time for:

14 (a) An employee's mental or physical illness, injury, or health  
15 condition; an employee's need for medical diagnosis, care, or treatment  
16 of a mental or physical illness, injury, or health condition; or an  
17 employee's need for preventive medical care;

18 (b) Care of a family member with a mental or physical illness,  
19 injury, or health condition; care of a family member who needs medical  
20 diagnosis, care, or treatment of a mental or physical illness, injury, or  
21 health condition; or care of a family member who needs preventive medical  
22 care; or

23 (c) Absence necessary due to domestic abuse, domestic assault,  
24 sexual assault, or stalking, regardless of whether a charge has been  
25 filed or a conviction has been obtained, if the leave is to allow the  
26 employee to obtain any of the following for the employee or the  
27 employee's family member:

28 (i) Medical attention needed to recover from physical or  
29 psychological injury or disability caused by such domestic abuse,  
30 domestic assault, sexual assault, or stalking;

31 (ii) Services from a victim services organization;

1 (iii) Psychological or other counseling;

2 (iv) Relocation due to the domestic abuse, domestic assault, sexual  
3 assault, or stalking; or

4 (v) Legal services, including preparing for or participating in any  
5 civil or criminal legal proceeding relating to or resulting from the  
6 domestic abuse, domestic assault, sexual assault, or stalking.

7 (2) Paid sick and safe time shall be provided upon the oral request  
8 of an employee as soon as practicable after the employee is aware of the  
9 need for such paid sick and safe time. The request shall include the  
10 expected duration of the absence, if reasonably possible.

11 (3) An employer cannot require, as a condition of an employee's  
12 taking paid sick and safe time, that the employee search for or find a  
13 replacement worker to cover the hours during which the employee is on  
14 paid sick and safe time.

15 (4) Accrued paid sick and safe time may be used in the smaller of  
16 hourly increments or the smallest increment that the employer's payroll  
17 system uses to account for absences or use of other time.

18 (5)(a) If the use of paid sick and safe time exceeds more than three  
19 consecutive workdays, an employer may require reasonable documentation  
20 that the paid sick and safe time has been used for a purpose described in  
21 subsection (1) of this section.

22 (b) Documentation signed by a health care professional indicating

23 that sick time is necessary shall be considered reasonable documentation.

24 (c) The following documentation shall be considered reasonable  
25 documentation for absences due to domestic abuse, domestic assault,  
26 sexual assault, or stalking:

27 (i) A police report indicating that the employee or his or her  
28 family member was a victim of domestic abuse, domestic assault, sexual  
29 assault, or stalking;

30 (ii) A court order protecting or separating the employee or his or  
31 her family member from the perpetrator of an act of domestic abuse,  
1 domestic assault, sexual assault, or stalking or other evidence from the  
2 court or prosecuting attorney that the employee or his or her family  
3 member has appeared in court or is scheduled to appear in court in a  
4 proceeding related to the domestic abuse, domestic assault, sexual  
5 assault, or stalking; or

6 (iii) Other documentation signed by an advocate as defined in  
7 section 29-4302, an attorney, a police officer, a licensed mental health  
8 professional, a medical professional, a social worker, an antiviolence  
9 counselor, or a member of the clergy affirming that the employee or his  
10 or her family member is a victim of domestic abuse, domestic assault,  
11 sexual assault, or stalking.

12 (d) The employee may choose the type of applicable documentation to  
13 submit and the employer shall not require more than one type of  
14 reasonable documentation for the same incident.

15 (e) An employer shall not require that the documentation explain the  
16 nature of the illness or the details of the domestic abuse, domestic  
17 assault, sexual assault, or stalking.

18 (f) If required by the employer, the employee shall provide such  
19 reasonable documentation to the employer no later than thirty days after  
20 the first day of the period of time for which the employee is requesting  
21 paid sick and safe time. The employer shall not delay the commencement of  
22 paid sick and safe time on the basis that the employer has not yet  
23 received the documentation.

24 (6) Any information provided to an employer regarding paid sick and  
25 safe time shall be confidential except to the extent that any disclosure  
26 of such information is:

27 (a) Requested or consented to in writing by the employee;

28 (b) Otherwise required by federal or state law; or

29 (c) Necessary to prevent a clear and definite danger to other  
30 employees.

31 Sec. 5. (1) It shall be unlawful for an employer or any other  
1 person to interfere with, restrain, or deny the exercise of, or the  
2 attempt to exercise, any right protected under the Healthy and Safe  
3 Families and Workplaces Act.

4 (2) An employer shall not take retaliatory personnel action or  
5 discriminate against an employee because the employee has exercised  
6 rights protected under the act. Such rights include, but are not limited  
7 to, the right to use paid sick and safe time pursuant to the act, the  
8 right to file a complaint or inform any person about any employer's  
9 alleged violation of the act, the right to cooperate with the department

10 in its investigations of alleged violations of the act, and the right to  
11 inform any person of his or her potential rights under the act.  
12 (3) It is unlawful for an employer's absence control policy to count  
13 paid sick and safe time taken under the act as an absence that may lead  
14 to or result in discipline, discharge, demotion, suspension, or any other  
15 adverse action.  
16 (4) Protections under this section shall apply to any person who  
17 mistakenly but in good faith alleges violations of the act.  
18 Sec. 6. Employers shall give notice at the time of hire that  
19 employees are entitled to paid sick and safe time, the amount of paid  
20 sick and safe time, the terms of use for paid sick and safe time  
21 guaranteed under the Healthy and Safe Families and Workplaces Act, that  
22 retaliation against employees who request or use paid sick and safe time  
23 is prohibited, and that each employee has the right to file a complaint  
24 or bring a civil action if paid sick and safe time is denied by the  
25 employer or the employee is retaliated against for exercising his or her  
26 rights under the act.  
27 Sec. 7. (1) An employee or other person may report to the  
28 commissioner any suspected violation of the Healthy and Safe Families and  
29 Workplaces Act. The commissioner shall encourage reporting pursuant to  
30 this subsection by keeping confidential, to the maximum extent permitted  
31 by applicable law, the name and other identifying information of the  
1 employee or person reporting the suspected violation, except that with  
2 the authorization of such person, the commissioner may disclose the  
3 person's name and identifying information as necessary to enforce the act  
4 or for other appropriate purposes. The commissioner may summon witnesses  
5 and require the production of records, books, and documents for  
6 examination in any investigation conducted by the department pursuant to  
7 this section. The commissioner shall assess an administrative penalty  
8 against an employer when an investigation reveals that the employer  
9 violated the act. The administrative penalty shall be not more than five  
10 hundred dollars in the case of a first violation and not more than five  
11 thousand dollars in the case of a second or subsequent violation. The  
12 commissioner shall notify the employer of the proposed administrative  
13 penalty by certified mail or any other manner of delivery by which the  
14 United States Postal Service can verify delivery. The employer shall have  
15 fifteen working days after the date the commissioner sends notification  
16 of the penalty to contest such penalty. Notice of contest shall be sent  
17 to the commissioner who shall provide a hearing in accordance with the  
18 Administrative Procedure Act.  
19 (2) Any person aggrieved by a violation of the Health and Safe  
20 Families and Workplaces Act or any entity, a member of which is aggrieved  
21 by a violation of the act, may bring a civil action in a court of  
22 competent jurisdiction against an employer who violates the act. The  
23 action may be brought without first filing an administrative complaint.  
24 Upon prevailing in an action brought pursuant to this subsection, an  
25 aggrieved person shall recover:  
26 (a) The full amount of any unpaid sick and safe time; and  
27 (b) Attorney's fees and costs associated with the action.

28 Sec. 8. (1) Nothing in the Healthy and Safe Families and Workplaces  
 29 Act shall be construed to discourage or prohibit an employer from the  
 30 adoption or retention of a paid sick and safe time policy that is more  
 31 generous than the policy required by the act.

1 (2) The act provides minimum requirements pertaining to paid sick  
 2 and safe time and shall not be construed to preempt, limit, or otherwise  
 3 affect the applicability of any other law, rule, regulation, requirement,  
 4 policy, contract, or standard that provides for greater accrual or use by  
 5 employees of sick and safe time, whether paid or unpaid, or that extends  
 6 other protections to employees.

7 Sec. 9. The department shall administer and enforce the Healthy and  
 8 Safe Families and Workplaces Act and may adopt and promulgate rules and  
 9 regulations to carry out the purposes of the act.

10 Sec. 10. If any section in this act or any part of any section is  
 11 declared invalid or unconstitutional, the declaration shall not affect  
 12 the validity or constitutionality of the remaining portions.

**LEGISLATIVE BILL 311.** Placed on General File with amendment.  
 AM570 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 87.** Placed on General File.

**LEGISLATIVE BILL 520.** Placed on General File.

**LEGISLATIVE RESOLUTION 14CA.** Placed on General File.

(Signed) Justin Wayne, Chairperson

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

**LEGISLATIVE RESOLUTION 40.** Introduced by Bolz, 29.

WHEREAS, Matthew Texel, a member of Troop 25 of Lincoln, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Matthew displayed his commitment to community service by installing two concrete pad park benches along two locations on the Tierra Williamsburg Trail in the commons area of the Pine Lake Heights Homeowners Association; and

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

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

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

Laid over.

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LR1CA.

(Signed) Ernie Chambers

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

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

Senator Geist name added to LB103.  
Senator Hilgers name added to LB103.

#### **WITHDRAW - Cointroducer(s)**

Senator Morfeld name withdrawn from LB720.

#### **VISITOR(S)**

Visitors to the Chamber were members of Lincoln's Young Professionals Group; and Brent and Tami Martin from Lincoln.

#### **ADJOURNMENT**

At 11:48 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-NINTH DAY - MARCH 12, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 12, 2019

**PRAYER**

The prayer was offered by Father James Netusil, Saint Francis Borgia Roman Catholic Church, Blair.

**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 Stinner who was excused; and Senators M. Hansen, Howard, McCollister, Morfeld, Vargas, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

March 7, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 7, 11, 32, 42, 55, 56, 57, 61, 63e, 65, 70, 71, 75, 78, 82e, 102, 115, 117, 121, 122e, 146, 154, 190, 193, 194, 196, 258e, 259e, 264, 301e, 355, and 359 were received in my office on March 1, 2019.

These bills were signed and delivered to the Secretary of State on March 7, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**

## Judiciary

The Judiciary 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.

Shawn Eatherton - Crime Victim's Reparations Committee  
Thomas Parker - Crime Victim's Reparations Committee  
Michelle Schindler - Crime Victim's Reparations Committee

Aye: 6 Brandt, DeBoer, Lathrop, Morfeld, Slama, Wayne. Nay: 0. Absent: 2  
Chambers, Pansing Brooks. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**

## Judiciary

**LEGISLATIVE BILL 396.** Placed on General File.  
**LEGISLATIVE BILL 457.** Placed on General File.  
**LEGISLATIVE BILL 514.** Placed on General File.

(Signed) Steve Lathrop, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, March 20, 2019 1:30 p.m.

LB581  
LB717

Thursday, March 21, 2019 1:30 p.m.

Richard Grauerholz - State Emergency Response Commission  
Tim Hofbauer - State Emergency Response Commission  
Trent D. Kleinow - State Emergency Response Commission

(Signed) Tom Brewer, Chairperson

**CONFLICT OF INTEREST STATEMENT**

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

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 35, 36, 37, and 38 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 35, 36, 37, and 38.

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 721:

Nebraska Natural Resources Commission  
Mark Czaplewski

Voting in the affirmative, 30:

Albrecht	DeBoer	Halloran	Kolterman	Murman
Bostelman	Dorn	Hansen, B.	La Grone	Pansing Brooks
Brewer	Friesen	Hilgers	Lathrop	Quick
Cavanaugh	Geist	Hilkemann	Lindstrom	Scheer
Chambers	Gragert	Hughes	Linehan	Slama
Crawford	Groene	Kolowski	McDonnell	Williams

Voting in the negative, 0.

Present and not voting, 11:

Arch	Brandt	Erdman	Moser
Blood	Briese	Hunt	Wayne
Bolz	Clements	Low	

Excused and not voting, 8:

Hansen, M.	McCollister	Stinner	Walz
Howard	Morfeld	Vargas	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 721:

Nebraska Natural Resources Commission  
Donald P. Batie

Voting in the affirmative, 31:

Albrecht	DeBoer	Hansen, B.	Lathrop	Scheer
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Friesen	Hilkemann	Linehan	Williams
Cavanaugh	Geist	Hughes	McDonnell	
Chambers	Gragert	Kolowski	Murman	
Clements	Groene	Kolterman	Pansing Brooks	
Crawford	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 10:

Arch	Brandt	Briese	Hunt	Moser
Blood	Brewer	Erdman	Lowe	Wayne

Excused and not voting, 8:

Hansen, M.	McCollister	Stinner	Walz
Howard	Morfeld	Vargas	Wishart

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

#### GENERAL FILE

**LEGISLATIVE BILL 463.** Title read. Considered.

Senator Williams offered his amendment, AM553, found on page 774.

The Williams amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 354.** Placed on Select File with amendment. ER46 is available in the Bill Room.

**LEGISLATIVE BILL 354A.** Placed on Select File.

**LEGISLATIVE BILL 449.** Placed on Select File with amendment. ER47

1 1. On page 1, strike beginning with "Cosmetology" in line 1 through 2 line 5 and insert "Uniform Credentialing Act; to amend sections 38-178,

3 38-180, and 38-2894, Reissue Revised Statutes of Nebraska, and section  
4 38-1001, Revised Statutes Cumulative Supplement, 2018; to provide for  
5 disciplinary action for performing scleral tattooing and prohibit such  
6 practice as prescribed; to define a term; to provide for civil penalties;  
7 to harmonize provisions; and to repeal the original sections.".

(Signed) Julie Slama, Chairperson

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 16.** Placed on Final Reading.

**LEGISLATIVE BILL 29.** Placed on Final Reading.

**LEGISLATIVE BILL 48.** Placed on Final Reading.

**LEGISLATIVE BILL 112.** Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 3 and 4, "38-129.01, and 38-131" has been struck and "and 38-129.01" inserted.

**LEGISLATIVE BILL 112A.** Placed on Final Reading.

**LEGISLATIVE BILL 116.** Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 6, line 21, "simultaneous" has been struck and "simultaneously" inserted.

**LEGISLATIVE BILL 125.** Placed on Final Reading.

**LEGISLATIVE BILL 145.** Placed on Final Reading.

**LEGISLATIVE BILL 224.** Placed on Final Reading.

**LEGISLATIVE BILL 254.** Placed on Final Reading.

**LEGISLATIVE BILL 384.** Placed on Final Reading.

**LEGISLATIVE BILL 486.** Placed on Final Reading.

**LEGISLATIVE BILL 575.** Placed on Final Reading.

**LEGISLATIVE BILL 660.** Placed on Final Reading.

**LEGISLATIVE BILL 660A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 399.** Senator Slama offered her amendment, AM617, found on page 775.

**SENATOR HUGHES PRESIDING**

**SPEAKER SCHEER PRESIDING****SENATOR WILLIAMS PRESIDING**

Senator Slama offered the following motion:

MO22

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 40:

Albrecht	Clements	Groene	Lathrop	Pansing Brooks
Arch	Crawford	Halloran	Lindstrom	Quick
Blood	DeBoer	Hansen, B.	Linehan	Scheer
Bolz	Dorn	Hilgers	Lowe	Slama
Bostelman	Erdman	Hilkemann	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Kolterman	Moser	Williams
Briese	Gragert	La Grone	Murman	Wishart

Voting in the negative, 3:

Chambers	Hansen, M.	Hunt
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Present and not voting, 4:

Cavanaugh	Howard	Kolowski	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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The Slama motion to invoke cloture prevailed with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on the Slama amendment

Voting in the affirmative, 42:

Albrecht	Clements	Halloran	Lindstrom	Scheer
Arch	Crawford	Hansen, B.	Linehan	Slama
Blood	DeBoer	Hansen, M.	Lowe	Vargas
Bolz	Dorn	Hilgers	McCollister	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Groene	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Howard	Hunt	Kolowski	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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The Slama amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 40:

Albrecht	Clements	Groene	La Grone	Murman
Arch	Crawford	Halloran	Lathrop	Pansing Brooks
Blood	DeBoer	Hansen, B.	Lindstrom	Quick
Bolz	Dorn	Hansen, M.	Linehan	Scheer
Bostelman	Erdman	Hilgers	Lowe	Slama
Brandt	Friesen	Hilkemann	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Kolterman	Moser	Wishart

Voting in the negative, 2:

Chambers	Hunt
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Present and not voting, 5:

Cavanaugh	Howard	Kolowski	Vargas	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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Advanced to Enrollment and Review for Engrossment with 40 ayes, 2 nays,

5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 248.** Placed on General File.

**LEGISLATIVE BILL 556.** Placed on General File with amendment. AM383 is available in the Bill Room.

**LEGISLATIVE BILL 570.** Placed on General File with amendment. AM470

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

2 Sec. 2. Section 81-6,122, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4 81-6,122 (1) The Department of Health and Human Services, the  
5 Governor's Policy Research Office, the Department of Correctional  
6 Services, the Department of Economic Development, the Department of  
7 Labor, the Department of Transportation, the State Department of  
8 Education, and the office of the state long-term care ombudsman shall  
9 develop a comprehensive strategic plan for providing services to  
10 qualified persons with disabilities in the most integrated community-  
11 based settings pursuant to the Olmstead decision.

12 (2) The Director of Behavioral Health of the Division of Behavioral  
13 Health of the Department of Health and Human Services, the Director of  
14 Children and Family Services of the Division of Children and Family  
15 Services of the Department of Health and Human Services, the Director of  
16 Developmental Disabilities of the Division of Developmental Disabilities  
17 of the Department of Health and Human Services, the Director of Medicaid  
18 and Long-Term Care of the Division of Medicaid and Long-Term Care of the  
19 Department of Health and Human Services, the Director of Public Health of  
20 the Division of Public Health of the Department of Health and Human  
21 Services, the Director of Correctional Services, the Director of Economic  
22 Development, the Commissioner of Labor, the Director-State Engineer, the  
23 Commissioner of Education, and the state long-term care ombudsman  
24 department shall (a) convene as a team to:

25 (a) Develop the strategic plan described in subsection (1) of this  
26 section;

27 (b) Appoint consisting of persons from each of the six divisions of  
1 the department to assess components of the strategic plan which may be in  
2 development; (b) consult with other state agencies that administer

3 ~~programs serving persons with disabilities; (c) appoint~~ and convene a  
 4 stakeholder advisory committee to assist in the review and development of  
 5 the strategic plan, such committee members to include a representative  
 6 from the State Advisory Committee on Mental Health Services, the Advisory  
 7 Committee on Developmental Disabilities, the Nebraska Statewide  
 8 Independent Living Council, the Nebraska Planning Council on  
 9 Developmental Disabilities, the Division of Rehabilitation Services in  
 10 the State Department of Education, the Commission for the Deaf and Hard  
 11 of Hearing, the Commission for the Blind and Visually Impaired, a housing  
 12 authority in a city of the first or second class and a housing authority  
 13 in a city of the primary or metropolitan class, the Assistive Technology  
 14 Partnership, the protection and advocacy system for Nebraska, an  
 15 assisted-living organization, the behavioral health regions, mental  
 16 health practitioners, developmental disability service providers, an  
 17 organization that advocates for persons with developmental disabilities,  
 18 an organization that advocates for persons with mental illness, an  
 19 organization that advocates for persons with brain injuries, and an area  
 20 agency on aging, and including two persons with disabilities representing  
 21 self-advocacy organizations, and, at the department's discretion, other  
 22 persons with expertise in programs serving persons with disabilities;  
 23 ~~(c) Arrange (d) determine the need for consultation with an~~  
 24 independent a consultant to assist with the continued analysis and  
 25 revision development of the strategic plan and determine whether the  
 26 benchmarks, deadlines, and timeframes are in substantial compliance with  
 27 the strategic plan;  
 28 (d) Provide continuing analysis of the strategic plan and a report  
 29 on the progress of the strategic plan and changes or revisions to the  
 30 Legislature by December 15, 2021, and every three years thereafter; and  
 31 ~~(e) Provide provide a preliminary progress report to the Legislature~~  
 1 ~~and the Governor by December 15, 2016, which includes, but is not limited~~  
 2 ~~to, (i) the components of the strategic plan which may be in development~~  
 3 ~~and (ii) the department's recommendation on hiring a consultant; (f)~~  
 4 ~~provide a second progress report to the Legislature and the Governor by~~  
 5 ~~December 15, 2017; and (g) provide the completed strategic plan to the~~  
 6 ~~Legislature and the Governor by June 30, 2019 December 15, 2018.~~  
 7 ~~(3) The reports and completed plan shall be submitted electronically~~  
 8 ~~to the Legislature.~~

**LEGISLATIVE BILL 571.** Placed on General File with amendment.  
 AM609

1 1. Strike original section 2 and insert the following new section:  
 2 Sec. 2. (1) For purposes of this section:  
 3 (a) Grievance means a written expression of dissatisfaction that may  
 4 or may not be the result of an unresolved complaint; and  
 5 (b) Grievance procedure means the written policy of an assisted-  
 6 living facility for addressing a grievance from an individual including  
 7 an employee or resident.  
 8 (2) Each assisted-living facility shall, on or before January 1,  
 9 2020, provide to the department the grievance procedure provided to an  
 10 applicant for admission to the assisted-living facility. When such

11 grievance procedure is modified, updated, or otherwise changed, the new  
 12 grievance procedure shall be provided to the department within seven  
 13 business days after such new grievance procedure takes effect. The  
 14 department shall make such grievance procedure available to the deputy  
 15 public counsel for institutions.

(Signed) Sara Howard, Chairperson

Executive Board

**LEGISLATIVE BILL 561.** Placed on General File.

(Signed) Mike Hilgers, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Cavanaugh - LB311

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

Senator Chambers filed the following amendment to LB399:

FA21

Amend ER43

Page 3, strike all language in lines 11-21 and insert:

Between the commencement of eighth grade and completion of twelfth grade, attendance at or participation in a meeting of a public body as defined in section 84-1409 followed by the completion of a project or written report whereby each student demonstrates or discusses the personal learning experience of such student relative to such attendance or participation; or (iii) Between the commencement of eighth grade and the completion of twelfth grade, completion of a project or a written report and a class presentation about a person or persons or an event commemorated by a holiday noted in subdivision (6) of this section or on a topic related to such person or persons or event; and.

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

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

Senator Wayne name added to LB15.

Senator Albrecht name added to LB15.

Senator Lathrop name added to LB15.

Senator DeBoer name added to LB15.

Senator Wishart name added to LB605.

Senator Slama name added to LB640.

**VISITOR(S)**

Visitors to the Chamber were students and teachers from Madison High School; Robert Daro from David City and David Daro from Omaha; students from Cottonwood Elementary, Millard; students, teachers, and sponsors from St. Bernard Catholic School, Omaha; students and teachers from the Omaha Education Association; members from Leadership Kearney; Holly and Avery Clark from Blaine, MN, Julie Ann Hoffman from Sulphur, OK, and Leah Byelick and Allory Grace Arnold from Lincoln; members of Girl Scouts Spirit of Nebraska from Omaha, Fremont, and Lincoln; and students and teacher from Central Valley High School, Greeley.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 13, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 13, 2019

**PRAYER**

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

**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 Chambers, Howard, Lindstrom, Linehan, Morfeld, Pansing Brooks, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

March 12, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 25, 25A, 52, 60, 74, 80, 81, 103e, 111, 119, 152, 159e, 185, 192, 192A, 200, 203, 214, 223, 235, 256e, 307, 333, 372, 380, 406e, 442, 469, 536, 622, and 624 were received in my office on March 7, 2019.

These bills were signed and delivered to the Secretary of State on March 12, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**MESSAGE(S) FROM THE GOVERNOR**

March 8, 2019

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

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

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Christopher Waddle, 735 N. Derby Avenue, Grand Island, NE 68802

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

March 8, 2019

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

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

Contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Sandra Shaw, 312 E. Maple Street, Seward, NE 68434  
Frances Beurivage, 3726 Washington Street, Lincoln, NE 68506

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

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosures

March 8, 2019

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

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

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

Susan Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701  
James Patterson, 1102 Overland Trail, Papillion, NE 68046

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

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

#### **CONFLICT OF INTEREST STATEMENT**

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

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

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 375.** Placed on General File.

**LEGISLATIVE BILL 452.** Placed on General File.

**LEGISLATIVE BILL 524.** Placed on General File.

**LEGISLATIVE BILL 525.** Placed on General File.

**LEGISLATIVE BILL 583.** Placed on General File.

**LEGISLATIVE BILL 609.** Placed on General File.

**LEGISLATIVE BILL 511.** Placed on General File with amendment.  
AM672 is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 463.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 309.** Senator La Grone reoffered his amendment, AM471, found on page 612 and considered on page 629.

Senator La Grone withdrew his amendment, AM477, found on page 613.

Senator La Grone moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator La Grone requested a roll call vote on his amendment, AM471.

Voting in the affirmative, 13:

Briese	Erdman	Hansen, B.	La Grone	Murman
Clements	Groene	Hilgers	Lowe	
Dorn	Halloran	Hughes	Moser	

Voting in the negative, 27:

Albrecht	Brewer	Hilkemann	McDonnell	Walz
Arch	Cavanaugh	Hunt	Pansing Brooks	Williams
Blood	Crawford	Kolowski	Quick	Wishart
Bolz	DeBoer	Kolterman	Scheer	
Bostelman	Gragert	Lathrop	Slama	
Brandt	Hansen, M.	McCollister	Vargas	

Present and not voting, 2:

Friesen	Geist
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Excused and not voting, 7:

Chambers	Lindstrom	Morfeld	Wayne
Howard	Linehan	Stinner	

The La Grone amendment lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:

AM706

1 1. On page 2, line 28, strike "In", show as stricken, and insert  
2 "Until July 1, 2021, in", strike "seventeen", and reinstate the stricken  
3 matter; in line 29 after the period insert "Beginning July 1, 2021, in  
4 the fourth judicial district there shall be seventeen judges of the  
5 district court." and insert paragraphing.

The Lathrop amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment

**LEGISLATIVE BILL 309A.** Senator Lathrop offered the following motion:

MO23

Indefinitely postpone.

The Lathrop motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 34.** Placed on General File with amendment.  
AM591 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 399.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Room 1525

Monday, March 25, 2019 1:30 p.m.

Patricia Kircher - Nebraska Educational Telecommunications Commission  
Paul Turman - Nebraska Educational Telecommunications Commission  
Greg Adams - Nebraska Educational Telecommunications Commission  
LB676  
LB725  
LB488

Tuesday, March 26, 2019 1:30 p.m.

John Chaney - Board of Trustees of the Nebraska State Colleges  
Robert Engles - Board of Trustees of the Nebraska State Colleges  
Dwayne B. Probyn - Board of Educational Lands and Funds  
LB358  
LB656  
LB588

(Signed) Mike Groene, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 41.** Introduced by Briese, 41.

WHEREAS, the Plainview High School wrestling team won the 2019 Class D State Wrestling Championship; and

WHEREAS, sophomore Eli Lanham won the 106-pound division title and junior Nate Christensen won the 126-pound division title; and

WHEREAS, this was the first State Wrestling team title for the Plainview Pirates wrestling team; and

WHEREAS, the Plainview Pirates wrestling team also won the 2019 Class D State Dual Championship; and

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

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

1. That the Legislature congratulates the Plainview High School wrestling team on its state wrestling championship.

2. That copies of this resolution be sent to Plainview High School and Coach Dean Boyer.

Laid over.

### NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, March 20, 2019 1:30 p.m.

LB560  
LB623  
LB542  
LB605

Wednesday, March 27, 2019 1:30 p.m.

LB429  
LB601  
LB440  
LB97  
LB338

(Signed) Lou Ann Linehan, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 590.** Title read. Considered.

Committee AM330, found on page 559, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 400.** Title read. Considered.

#### SENATOR HILGERS PRESIDING

Pending.

#### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 76.** Placed on General File.

**LEGISLATIVE BILL 236.** Placed on General File.

**LEGISLATIVE BILL 266.** Placed on General File.

**LEGISLATIVE BILL 218.** Placed on General File with amendment.  
AM536

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

2 sections:

3 Section 1. Section 77-103, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-103 Real property shall mean:

6 (1) All land;

7 (2) All buildings, improvements, and fixtures, except trade

8 fixtures;

9 (3) All electric generation, transmission, distribution, and street

10 lighting structures or facilities owned by a political subdivision of the

11 state or the public power industry as defined in section 70-601;

12 (4) ~~(3)~~ Mobile homes, cabin trailers, and similar property, not

13 registered for highway use, which are used, or designed to be used, for

14 residential, office, commercial, agricultural, or other similar purposes,

15 but not including mobile homes, cabin trailers, and similar property when  
16 unoccupied and held for sale by persons engaged in the business of  
17 selling such property when such property is at the location of the  
18 business;

19 ~~(5) (4)~~ Mines, minerals, quarries, mineral springs and wells, oil  
20 and gas wells, overriding royalty interests, and production payments with  
21 respect to oil or gas leases; and

22 ~~(6) (5)~~ All privileges pertaining to real property described in  
23 subdivisions (1) through ~~(5) (4)~~ of this section.

24 Sec. 2. Section 77-117, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 77-117 Improvements on leased land shall mean any item of real  
27 property defined in subdivisions (2) through ~~(5) (4)~~ of section 77-103  
1 which is located on land owned by a person other than the owner of the  
2 item.

3 Sec. 3. Section 77-2701.16, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-2701.16 (1) Gross receipts means the total amount of the sale or  
6 lease or rental price, as the case may be, of the retail sales of  
7 retailers.

8 (2) Gross receipts of every person engaged as a public utility  
9 specified in this subsection, as a community antenna television service  
10 operator, or as a satellite service operator or any person involved in  
11 connecting and installing services defined in subdivision (2)(a), (b), or  
12 (d) of this section means:

13 (a)(i) In the furnishing of telephone communication service, other  
14 than mobile telecommunications service as described in section  
15 77-2703.04, the gross income received from furnishing ancillary services,  
16 except for conference bridging services, and intrastate  
17 telecommunications services, except for value-added, nonvoice data  
18 service.

19 (ii) In the furnishing of mobile telecommunications service as  
20 described in section 77-2703.04, the gross income received from  
21 furnishing mobile telecommunications service that originates and  
22 terminates in the same state to a customer with a place of primary use in  
23 Nebraska;

24 (b) In the furnishing of telegraph service, the gross income  
25 received from the furnishing of intrastate telegraph services;

26 (c)(i) In the furnishing of gas, sewer, water, and electricity  
27 service, other than electricity service to a customer-generator as  
28 defined in section 70-2002, the gross income received from the furnishing  
29 of such services upon billings or statements rendered to consumers for  
30 such utility services.

31 (ii) In the furnishing of electricity service to a customer-  
1 generator as defined in section 70-2002, the net energy use upon billings  
2 or statements rendered to customer-generators for such electricity  
3 service;

4 (d) In the furnishing of community antenna television service or  
5 satellite service, the gross income received from the furnishing of such

6 community antenna television service as regulated under sections 18-2201  
7 to 18-2205 or 23-383 to 23-388 or satellite service; and  
8 (e) The gross income received from the provision, installation,  
9 construction, servicing, or removal of property used in conjunction with  
10 the furnishing, installing, or connecting of any public utility services  
11 specified in subdivision (2)(a) or (b) of this section or community  
12 antenna television service or satellite service specified in subdivision  
13 (2)(d) of this section, except when acting as a subcontractor for a  
14 public utility, this subdivision does not apply to the gross income  
15 received by a contractor electing to be treated as a consumer of building  
16 materials under subdivision (2) or (3) of section 77-2701.10 for any such  
17 services performed on the customer's side of the utility demarcation  
18 point. This subdivision also does not apply to the gross income received  
19 by a political subdivision of the state or the public power industry as  
20 defined in section 70-601 for the lease or use of electric generation,  
21 transmission, distribution, or street lighting structures or facilities  
22 owned by a political subdivision of the state or the public power  
23 industry.  
24 (3) Gross receipts of every person engaged in selling, leasing, or  
25 otherwise providing intellectual or entertainment property means:  
26 (a) In the furnishing of computer software, the gross income  
27 received, including the charges for coding, punching, or otherwise  
28 producing any computer software and the charges for the tapes, disks,  
29 punched cards, or other properties furnished by the seller; and  
30 (b) In the furnishing of videotapes, movie film, satellite  
31 programming, satellite programming service, and satellite television  
1 signal descrambling or decoding devices, the gross income received from  
2 the license, franchise, or other method establishing the charge.  
3 (4) Gross receipts for providing a service means:  
4 (a) The gross income received for building cleaning and maintenance,  
5 pest control, and security;  
6 (b) The gross income received for motor vehicle washing, waxing,  
7 towing, and painting;  
8 (c) The gross income received for computer software training;  
9 (d) The gross income received for installing and applying tangible  
10 personal property if the sale of the property is subject to tax. If any  
11 or all of the charge for installation is free to the customer and is paid  
12 by a third-party service provider to the installer, any tax due on that  
13 part of the activation commission, finder's fee, installation charge, or  
14 similar payment made by the third-party service provider shall be paid  
15 and remitted by the third-party service provider;  
16 (e) The gross income received for services of recreational vehicle  
17 parks;  
18 (f) The gross income received for labor for repair or maintenance  
19 services performed with regard to tangible personal property the sale of  
20 which would be subject to sales and use taxes, excluding motor vehicles,  
21 except as otherwise provided in section 77-2704.26 or 77-2704.50;  
22 (g) The gross income received for animal specialty services except  
23 (i) veterinary services, (ii) specialty services performed on livestock

24 as defined in section 54-183, and (iii) animal grooming performed by a  
25 licensed veterinarian or a licensed veterinary technician in conjunction  
26 with medical treatment; and

27 (h) The gross income received for detective services.

28 (5) Gross receipts includes the sale of admissions. When an  
29 admission to an activity or a membership constituting an admission is  
30 combined with the solicitation of a contribution, the portion or the  
31 amount charged representing the fair market price of the admission shall  
1 be considered a retail sale subject to the tax imposed by section  
2 77-2703. The organization conducting the activity shall determine the  
3 amount properly attributable to the purchase of the privilege, benefit,  
4 or other consideration in advance, and such amount shall be clearly  
5 indicated on any ticket, receipt, or other evidence issued in connection  
6 with the payment.

7 (6) Gross receipts includes the sale of live plants incorporated  
8 into real estate except when such incorporation is incidental to the  
9 transfer of an improvement upon real estate or the real estate.

10 (7) Gross receipts includes the sale of any building materials  
11 annexed to real estate by a person electing to be taxed as a retailer  
12 pursuant to subdivision (1) of section 77-2701.10.

13 (8) Gross receipts includes the sale of and recharge of prepaid  
14 calling service and prepaid wireless calling service.

15 (9) Gross receipts includes the retail sale of digital audio works,  
16 digital audiovisual works, digital codes, and digital books delivered  
17 electronically if the products are taxable when delivered on tangible  
18 storage media. A sale includes the transfer of a permanent right of use,  
19 the transfer of a right of use that terminates on some condition, and the  
20 transfer of a right of use conditioned upon the receipt of continued  
21 payments.

22 (10) Gross receipts does not include:

23 (a) The amount of any rebate granted by a motor vehicle or motorboat  
24 manufacturer or dealer at the time of sale of the motor vehicle or  
25 motorboat, which rebate functions as a discount from the sales price of  
26 the motor vehicle or motorboat; or

27 (b) The price of property or services returned or rejected by  
28 customers when the full sales price is refunded either in cash or credit.

29 Sec. 4. This act becomes operative on July 1, 2019.

30 Sec. 5. Original sections 77-103, 77-117, and 77-2701.16, Reissue  
31 Revised Statutes of Nebraska, are repealed.

1 Sec. 6. Since an emergency exists, this act takes effect when  
2 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

General Affairs

**LEGISLATIVE BILL 734.** Placed on General File with amendment.  
AM545

1 1. On page 2, line 12; page 4, lines 9, 24, 28, and 30; page 5,

2 lines 1, 4, 15, and 18; page 8, line 5; page 9, line 23; and page 11,  
3 line 23, after "charter" insert "or special party".

(Signed) Tom Briese, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 42.** Introduced by Lathrop, 12; McDonnell, 5; Quick, 35.

WHEREAS, Brian Saathoff was born in Omaha and graduated from Thomas Jefferson High School in Council Bluffs, Iowa; and

WHEREAS, Brian protected lives and property as a volunteer firefighter in Carter Lake and Waterloo, Iowa, in addition to joining the Ralston Volunteer Fire Department in 2008; and

WHEREAS, Brian held the offices of Vice President and Training Captain during his service with the Ralston Volunteer Fire Department and was a member of the Nebraska State Volunteer Firefighters Association; and

WHEREAS, Brian was a Nuclear Security Sergeant with the Omaha Public Power District at Fort Calhoun; and

WHEREAS, as a member of the International Brotherhood of Electric Workers Local 1483, Brian served on the union's executive board; and

WHEREAS, Brian passed away suddenly on February 4, 2019, at the age of 39; and

WHEREAS, Brian Saathoff is survived by his wife, Tara; children, Johnathen Thomsen (Indi), Nate Thomsen (Kala), Anthony Thomsen (Tess), Natashia Thomsen (Josiah); parents, J. Lynn and Valerie Saathoff; brother, Doug Saathoff; sister, Maureen Workman; mother-in-law, Barbara Grosvenor; five grandchildren and many other family and friends; and

WHEREAS, Brian continues to help others as an organ donor.

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

1. That the Legislature recognizes the impact Brian Saathoff had on his community and the significance of his organ donation to others.

2. That the Legislature extends its sympathy and condolences to the family and friends of Brian Saathoff.

3. That a copy of this resolution be sent to the family of Brian Saathoff and the Ralston Volunteer Fire Department.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 400.** Senator Halloran offered the following amendment:

AM578

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:

7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;

9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and

11 (c) Nine dollars per hour on and after January 1, 2016.

12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~twelve~~ ~~thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered.  
16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.

21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

Senator Wishart offered the following amendment to the Halloran  
amendment:

FA22

Amend AM578

On line 14, strike "two dollars and twelve" and insert "four dollars and  
fifty".

Pending.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 15.** Placed on General File with amendment.

AM410

1 1. On page 3, line 2, after "diagnosed" insert "by an  
2 otolaryngologist with an auditory assessment completed"; and in line 13  
3 after "audiologist" insert "with the medical clearance from an  
4 otolaryngologist".

**LEGISLATIVE BILL 619.** Placed on General File with amendment.

AM287

1 1. Strike the original section and insert the following new section:  
2 Section 1. (1) For purposes of this section:  
3 (a) Health insurance policy means (i) any individual or group  
4 sickness and accident insurance policy or subscriber contract delivered,  
5 issued for delivery, or renewed in this state and any hospital, medical,

6 or surgical expense-incurred policy, except for a policy that provides  
 7 coverage for a specified disease or other limited-benefit coverage, and  
 8 (ii) any self-funded employee benefit plan to the extent not preempted by  
 9 federal law; and  
 10 (b) School means a public, private, denominational, or parochial  
 11 school which meets the requirements for accreditation or approval  
 12 prescribed in Chapter 79.  
 13 (2) Notwithstanding section 44-3,131, an insurer offering a health  
 14 insurance policy shall not deny coverage or payment for a mental health  
 15 service solely because the service is delivered in a school.  
 16 (3) Nothing in this section shall require an insurer offering a  
 17 health insurance policy to pay for mental health services that are  
 18 otherwise excluded from such health insurance policy or prevent  
 19 application of any other provision of such health insurance policy.  
 20 (4) This section applies to health insurance policies issued or  
 21 renewed on or after January 1, 2020, and to claims for reimbursement  
 22 based on such policies for costs incurred on or after January 1, 2020.

(Signed) Matt Williams, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 447A.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Sixth Legislature, First Session, 2019.

### AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendments to LB400:  
 AM579

1 1. Strike original section 1 and insert the following new section:  
 2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
 3 2018, is amended to read:  
 4 48-1203 (1) Except as otherwise provided in this section and section  
 5 48-1203.01, every employer shall pay to each of his or her employees a  
 6 minimum wage of:  
 7 (a) Seven dollars and twenty-five cents per hour through December  
 8 31, 2014;  
 9 (b) Eight dollars per hour on and after January 1, 2015, through  
 10 December 31, 2015; and  
 11 (c) Nine dollars per hour on and after January 1, 2016.  
 12 (2) For persons compensated by way of gratuities such as waitresses,  
 13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
 14 shall pay wages at the minimum rate of two dollars and ~~eleven~~ ~~thirteen~~  
 15 cents per hour, plus all gratuities given to them for services rendered.

16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM580

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:  
7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;  
9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and  
11 (c) Nine dollars per hour on and after January 1, 2016.  
12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~ten~~ thirteen cents  
15 per hour, plus all gratuities given to them for services rendered. The  
16 sum of wages and gratuities received by each person compensated by way of  
17 gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM581

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:  
7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;  
9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and  
11 (c) Nine dollars per hour on and after January 1, 2016.  
12 (2) For persons compensated by way of gratuities such as waitresses,

13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~nine thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered.  
16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM582

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:  
7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;  
9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and  
11 (c) Nine dollars per hour on and after January 1, 2016.  
12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~eight thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered.  
16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM583

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:  
7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;  
9 (b) Eight dollars per hour on and after January 1, 2015, through

10 December 31, 2015; and  
11 (c) Nine dollars per hour on and after January 1, 2016.  
12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~seven~~ ~~thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered.  
16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM584

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:  
7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;  
9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and  
11 (c) Nine dollars per hour on and after January 1, 2016.  
12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~six~~ ~~thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered. The  
16 sum of wages and gratuities received by each person compensated by way of  
17 gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.  
21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

## AM585

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:  
4 48-1203 (1) Except as otherwise provided in this section and section  
5 48-1203.01, every employer shall pay to each of his or her employees a  
6 minimum wage of:

- 7 (a) Seven dollars and twenty-five cents per hour through December  
8 31, 2014;
- 9 (b) Eight dollars per hour on and after January 1, 2015, through  
10 December 31, 2015; and
- 11 (c) Nine dollars per hour on and after January 1, 2016.
- 12 (2) For persons compensated by way of gratuities such as waitresses,  
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
14 shall pay wages at the minimum rate of two dollars and ~~five thirteen~~  
15 cents per hour, plus all gratuities given to them for services rendered.  
16 The sum of wages and gratuities received by each person compensated by  
17 way of gratuities shall equal or exceed the minimum wage rate provided in  
18 subsection (1) of this section. In determining whether or not the  
19 individual is compensated by way of gratuities, the burden of proof shall  
20 be upon the employer.
- 21 (3) Any employer employing student-learners as part of a bona fide  
22 vocational training program shall pay such student-learners' wages at a  
23 rate of at least seventy-five percent of the minimum wage rate which  
24 would otherwise be applicable.

Senator Wayne filed the following amendment to LB98:  
AM712

- 1 1. Insert the following new section:  
2 Section 1. Section 18-2515, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 18-2515 (1) Each petition presented for signature must be identical  
5 to the petition authorized for circulation by the city clerk pursuant to  
6 section 18-2512.  
7 (2) Every petition shall contain the name and place of residence of  
8 not more than three persons as chief petitioners or sponsors of the  
9 measure. ~~The chief petitioners or sponsors shall be qualified electors of~~  
10 ~~the municipal subdivision potentially affected by the initiative or~~  
11 ~~referendum proposal.~~  
12 (3) Every petition shall contain the caption and the statement  
13 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.  
14 (4) When a special election is being requested, such fact shall be  
15 stated on every petition.  
16 2. Renumber the remaining sections and correct the repealer  
17 accordingly.

Senator Lindstrom filed the following amendment to LB610:  
AM701 is available in the Bill Room.

Senator Briese filed the following amendments to LB183:  
AM709

(Amendments to Standing Committee amendments, AM158)

- 1 1. On page 2, line 7, after "to" insert "property".

AM707

(Amendments to Standing Committee amendments, AM158)

1 1. On page 1, line 10, after "to" insert "property".

AM708

(Amendments to Standing Committee amendments, AM158)

1 1. On page 1, line 21, after "to" insert "property".**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Chambers name added to LB15.

Senator Slama name added to LB15.

Senator Lowe name added to LB626.

**VISITOR(S)**

Visitors to the Chamber were Senator DeBoer's brother, John DeBoer, from Bennington; Maeve Hemmer from Lincoln; Senator Walz's daughter, Emma, from Fremont; students and teacher from Sutherland High School; Emily and Betty King from Lincoln; and students from Avery Elementary School, Bellevue.

**ADJOURNMENT**

At 11:50 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIRST DAY - MARCH 14, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 14, 2019

**PRAYER**

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, Howard, Morfeld, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**UNANIMOUS CONSENT - Room Change**

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearings on Monday, March 18, 2019, and on Monday, March 25, 2019, in the Warner Chamber instead of Room 1003. No objections. So ordered.

**MOTION(S) - Confirmation Report(s)**

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 786:

Crime Victim's Reparations Committee  
Shawn Eatherton  
Thomas Parker  
Michelle Schindler

Voting in the affirmative, 37:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	DeBoer	Hilkemann	Lowe	Slama
Bostelman	Dorn	Hughes	McCollister	Stinner
Brandt	Geist	Hunt	McDonnell	Williams
Brewer	Gragert	Kolowski	Moser	
Briese	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Erdman	Hansen, M.	Walz
Friesen	Lindstrom	Wishart

Excused and not voting, 6:

Bolz	Howard	Vargas
Cavanaugh	Morfeld	Wayne

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 411.** Title read. Considered.

Committee AM514, found on page 716, was offered.

Senator La Grone offered the following amendment to the committee amendment:

AM647

(Amendments to Standing Committee amendments, AM514)

- 1 1. On page 38, lines 20 and 21, strike the new matter.
- 2 2. On page 41, line 26, after "five" insert "business".

### SPEAKER SCHEER PRESIDING

The La Grone amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 309.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Hunt - LB169

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

Senator Lathrop filed the following amendment to LB340:  
AM644

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 29-2262 (1) When a court sentences an offender to probation, it
- 6 shall attach such reasonable conditions as it deems necessary or likely
- 7 to insure that the offender will lead a law-abiding life. No offender
- 8 shall be sentenced to probation if he or she is deemed to be a habitual
- 9 criminal pursuant to section 29-2221.
- 10 (2) The court may, as a condition of a sentence of probation,
- 11 require the offender:
- 12 (a) To refrain from unlawful conduct;
- 13 (b) To be confined periodically in the county jail or to return to
- 14 custody after specified hours but not to exceed the lesser of ninety days
- 15 or the maximum jail term provided by law for the offense;
- 16 (c) To meet his or her family responsibilities;
- 17 (d) To devote himself or herself to a specific employment or
- 18 occupation;
- 19 (e) To undergo medical or psychiatric treatment and to enter and
- 20 remain in a specified institution for such purpose;
- 21 (f) To pursue a prescribed secular course of study or vocational
- 22 training;
- 23 (g) To attend or reside in a facility established for the
- 24 instruction, recreation, or residence of persons on probation;
- 25 (h) To refrain from frequenting unlawful or disreputable places or
- 26 consorting with disreputable persons;
- 27 (i) To possess no firearm or other dangerous weapon if convicted of
- 1 a felony, or if convicted of any other offense, to possess no firearm or
- 2 other dangerous weapon unless granted written permission by the court;
- 3 (j) To remain within the jurisdiction of the court and to notify the
- 4 court or the probation officer of any change in his or her address or his

5 or her employment and to agree to waive extradition if found in another  
6 jurisdiction;

7 (k) To report as directed to the court or a probation officer and to  
8 permit the officer to visit his or her home;

9 (l) To pay a fine in one or more payments as ordered;

10 (m) To pay for tests to determine the presence of drugs or alcohol,  
11 psychological evaluations, offender assessment screens, and  
12 rehabilitative services required in the identification, evaluation, and  
13 treatment of offenders if such offender has the financial ability to pay  
14 for such services;

15 (n) To perform community service as outlined in sections 29-2277 to  
16 29-2279 under the direction of his or her probation officer;

17 (o) To be monitored by an electronic surveillance device or system  
18 and to pay the cost of such device or system if the offender has the  
19 financial ability;

20 (p) To participate in a community correctional facility or program  
21 as provided in the Community Corrections Act;

22 ~~(q) To successfully complete an incarceration work camp program as~~  
23 ~~determined by the Department of Correctional Services;~~

24 ~~(q) (⊕)~~ To satisfy any other conditions reasonably related to the  
25 rehabilitation of the offender;

26 ~~(r) (⊕)~~ To make restitution as described in sections 29-2280 and  
27 29-2281; or

28 ~~(s) (⊕)~~ To pay for all costs imposed by the court, including court  
29 costs and the fees imposed pursuant to section 29-2262.06.

30 (3) When jail time is imposed as a condition of probation under  
31 subdivision (2)(b) of this section, the court shall advise the offender  
1 on the record the time the offender will serve in jail assuming no good  
2 time for which the offender will be eligible under section 47-502 is lost  
3 and assuming none of the jail time imposed as a condition of probation is  
4 waived by the court.

5 (4) Jail time may only be imposed as a condition of probation under  
6 subdivision (2)(b) of this section if:

7 (a) The court would otherwise sentence the defendant to a term of  
8 imprisonment instead of probation; and

9 (b) The court makes a finding on the record that, while probation is  
10 appropriate, periodic confinement in the county jail as a condition of  
11 probation is necessary because a sentence of probation without a period  
12 of confinement would depreciate the seriousness of the offender's crime  
13 or promote disrespect for law.

14 (5) In all cases in which the offender is guilty of violating  
15 section 28-416, a condition of probation shall be mandatory treatment and  
16 counseling as provided by such section.

17 (6) In all cases in which the offender is guilty of a crime covered  
18 by the DNA Identification Information Act, a condition of probation shall  
19 be the collecting of a DNA sample pursuant to the act and the paying of  
20 all costs associated with the collection of the DNA sample prior to  
21 release from probation.

22 Sec. 2. Section 83-4,142, Reissue Revised Statutes of Nebraska, is

23 amended to read:

24 83-4,142 The Department of Correctional Services shall develop and  
 25 implement an incarceration work camp for placement of felony offenders as  
 26 a condition of a sentence of intensive supervision probation, as a  
 27 transitional phase prior to release on parole; or as assigned by the  
 28 Director of Correctional Services pursuant to subsection (2) of section  
 29 83-176. As part of the incarceration work camp, an intensive residential  
 30 drug treatment program may be developed and implemented for felony  
 31 offenders.

1 It is the intent of the Legislature that the incarceration work camp  
 2 serve to reduce prison overcrowding and to make prison bed space  
 3 available for violent offenders. It is the further intent of the  
 4 Legislature that the incarceration work camp serve the interests of  
 5 society by addressing the criminogenic needs of certain designated  
 6 offenders and by deterring such offenders from engaging in further  
 7 criminal activity. To accomplish these goals, the incarceration work camp  
 8 shall provide regimented, structured, disciplined programming, including  
 9 all of the following: Work programs; vocational training; behavior  
 10 management and modification; money management; substance abuse awareness,  
 11 counseling, and treatment; and education, programming needs, and  
 12 aftercare planning, which will increase the offender's abilities to lead  
 13 a law-abiding, productive, and fulfilling life as a contributing member  
 14 of a free society.

15 Sec. 3. Section 83-4,143, Revised Statutes Cumulative Supplement,  
 16 2018, is amended to read:

17 83-4,143 ~~(1) It is the intent of the Legislature that the court~~  
 18 ~~target the felony offender (a) who is eligible and by virtue of his or~~  
 19 ~~her criminogenic needs is suitable to be sentenced to intensive~~  
 20 ~~supervision probation with placement at the incarceration work camp, (b)~~  
 21 ~~for whom the court finds that other conditions of a sentence of intensive~~  
 22 ~~supervision probation, in and of themselves, are not suitable, and (c)~~  
 23 ~~who, without the existence of an incarceration work camp, would, in all~~  
 24 ~~likelihood, be sentenced to prison.~~

25 ~~(2) When the court is of the opinion that imprisonment is~~  
 26 ~~appropriate, but that a brief and intensive period of regimented,~~  
 27 ~~structured, and disciplined programming within a secure facility may~~  
 28 ~~better serve the interests of society, the court may place an offender in~~  
 29 ~~an incarceration work camp for a period not to exceed one hundred eighty~~  
 30 ~~days as a condition of a sentence of intensive supervision probation. The~~  
 31 ~~court may consider such placement if the offender (a) is a male or female~~  
 1 ~~offender convicted of a felony offense in a district court, (b) is~~  
 2 ~~medically and mentally fit to participate, with allowances given for~~  
 3 ~~reasonable accommodation as determined by medical and mental health~~  
 4 ~~professionals, and (c) has not previously been incarcerated for a violent~~  
 5 ~~felony crime. Offenders convicted of a crime under sections 28-319 to~~  
 6 ~~28-322.04 or of any capital crime are not eligible to be placed in an~~  
 7 ~~incarceration work camp.~~

8 ~~(1) (3)~~ It is also the intent of the Legislature that the Board of  
 9 Parole may recommend placement of felony offenders at the incarceration

10 work camp. The offenders recommended by the board shall be offenders  
 11 currently housed at other Department of Correctional Services adult  
 12 correctional facilities and shall complete the incarceration work camp  
 13 programming prior to release on parole.

14 ~~(2)~~ (4) When the Board of Parole is of the opinion that a felony  
 15 offender currently incarcerated in a Department of Correctional Services  
 16 adult correctional facility may benefit from a brief and intensive period  
 17 of regimented, structured, and disciplined programming immediately prior  
 18 to release on parole, the board may direct placement of such an offender  
 19 in an incarceration work camp for a period not to exceed one hundred  
 20 eighty days as a condition of release on parole. The board may consider  
 21 such placement if the felony offender (a) is medically and mentally fit  
 22 to participate, with allowances given for reasonable accommodation as  
 23 determined by medical and mental health professionals, and (b) has not  
 24 previously been incarcerated for a violent felony crime. Offenders  
 25 convicted of a crime under sections 28-319 to 28-322.04 or of any capital  
 26 crime are not eligible to be placed in an incarceration work camp.

27 ~~(3)~~ ~~(5)~~ The Director of Correctional Services may assign a felony  
 28 offender to an incarceration work camp if he or she believes it is in the  
 29 best interests of the felony offender and of society, except that  
 30 offenders convicted of a crime under sections 28-319 to ~~28-322.04~~ ~~28-321~~  
 31 or of any capital crime are not eligible to be assigned to an  
 1 incarceration work camp pursuant to this subsection.

2 Sec. 4. Section 83-4,144, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 ~~83-4,144 Upon successful completion of the incarceration work camp~~  
 5 ~~program, as determined by the Department of Correctional Services, the~~  
 6 ~~sentencing court may modify the offender's conditions of his or her~~  
 7 ~~sentence of probation, place the offender in an aftercare program, or~~  
 8 ~~discharge the offender.~~ An offender placed in an incarceration work camp  
 9 pursuant to a recommendation of the Board of Parole shall be released on  
 10 parole upon successful completion, as determined by the board, of the  
 11 incarceration work camp program.

12 Sec. 5. Section 83-4,145, Reissue Revised Statutes of Nebraska, is  
 13 amended to read:

14 ~~83-4,145 If the offender for any reason fails to successfully~~  
 15 ~~complete the incarceration work camp program, the sentencing court may~~  
 16 ~~impose any other sentence that the court may have originally imposed.~~ An  
 17 offender placed at the incarceration work camp pursuant to a  
 18 recommendation of the Board of Parole who fails to successfully complete  
 19 the incarceration work camp program shall be returned to the board for a  
 20 rescission hearing. Credit shall be given for time actually served in the  
 21 incarceration work camp program.

22 Sec. 6. Section 83-4,146, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:

24 83-4,146 All costs incurred during the period the offender is  
 25 committed to an incarceration work camp shall be the responsibility of  
 26 the state, ~~including~~ ~~Counties shall be liable for the cost of~~  
 27 ~~transporting the offender to the incarceration work camp and for~~

28 ~~returning the offender to the appropriate court for reimposition of~~  
 29 ~~sentence or such other disposition as the court may then deem appropriate~~  
 30 ~~only if the offender is discharged for unsatisfactory performance from~~  
 31 ~~the incarceration work camp, except that the state shall be liable for~~  
 1 the cost of transporting the offender to the incarceration work camp when  
 2 such placement was made pursuant to a recommendation by the Board of  
 3 Parole and for returning the offender to the appropriate Department of  
 4 Correctional Services adult correctional facility if the offender is  
 5 discharged for unsatisfactory performance from the incarceration work  
 6 camp.  
 7 Sec. 7. Original sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and  
 8 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143,  
 9 Revised Statutes Cumulative Supplement, 2018, are repealed.

**COMMITTEE REPORT(S)**  
 Business and Labor

**LEGISLATIVE BILL 345.** Placed on General File with amendment.  
 AM626

1 1. Strike the original section and insert the following new  
 2 sections:  
 3 Section 1. (1) For purposes of this section:  
 4 (a) Correctional facility means a facility as defined in section  
 5 83-170;  
 6 (b) Employee means an employee of the Department of Correctional  
 7 Services or the Department of Health and Human Services providing  
 8 services to individuals in a correctional facility or state institution  
 9 under the twenty-four-hour care and supervision of the state;  
 10 (c) State institution includes the:  
 11 (i) Beatrice State Developmental Center;  
 12 (ii) Lincoln Regional Center;  
 13 (iii) Norfolk Regional Center;  
 14 (iv) Hastings Regional Center;  
 15 (v) Youth Rehabilitation and Treatment Center-Kearney; and  
 16 (vi) Youth Rehabilitation and Treatment Center-Geneva; and  
 17 (d) Temporary emergency condition means a riot, natural disaster, or  
 18 severe weather.  
 19 (2) Except as provided in subsection (4) of this section:  
 20 (a) An employee may work more than twelve consecutive hours, but an  
 21 employee shall under no circumstances be required to work more than  
 22 twelve consecutive hours; and  
 23 (b) An employee may work more than seven straight days without a day  
 24 off, but an employee shall under no circumstances be required to work  
 25 seven straight days without a day off.  
 26 (3) The acceptance by an employee of overtime described in  
 27 subsection (2) of this section is strictly voluntary. An employee shall  
 1 not be disciplined nor lose any right, benefit, or privilege for refusing  
 2 to work such overtime. An employee's refusal to work such overtime shall

3 not be grounds for discrimination, dismissal, discharge, or any other  
 4 penalty, threat of report for discipline, or employment decision adverse  
 5 to the employee.

6 (4) The prohibitions of this section shall not apply when the  
 7 Director of Correctional Services or his or her designee, in the case of  
 8 a correctional facility, or the chief executive officer of the Department  
 9 of Health and Human Services, in the case of a state institution, has  
 10 declared the existence of a temporary emergency condition. Such  
 11 declaration shall take effect when the director or chief executive  
 12 officer or his or her designee provides notice of such temporary  
 13 emergency condition to the Executive Board of the Legislative Council and  
 14 shall not extend beyond thirty calendar days after such notice.  
 15 Sec. 2. This act becomes operative on January 1, 2020.

(Signed) Matt Hansen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 731.** Placed on General File with amendment.  
 AM607

1 1. Insert the following new section:

2 Sec. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 23-114.02 The general plan for the improvement and development of  
 5 the county shall be known as the comprehensive development plan and  
 6 shall, among other elements, include:

7 (1) A land-use element which designates the proposed general  
 8 distribution, general location, and extent of the uses of land for  
 9 agriculture, housing, commerce, industry, recreation, education, public  
 10 buildings and lands, and other categories of public and private use of  
 11 land;

12 (2) The general location, character, and extent of existing and  
 13 proposed major streets, roads, and highways, and air and other  
 14 transportation routes and facilities;

15 (3) When a new comprehensive plan or a full update to an existing  
 16 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~  
 17 ~~than January 1, 2015~~, an energy element which: Assesses energy  
 18 infrastructure and energy use by sector, including residential,  
 19 commercial, and industrial sectors; evaluates utilization of renewable  
 20 energy sources; and promotes energy conservation measures that benefit  
 21 the community; and

22 (4) The general location, type, capacity, and area served of present  
 23 and projected or needed community facilities including recreation  
 24 facilities, schools, libraries, other public buildings, and public  
 25 utilities and services.

26 The comprehensive development plan shall consist of both graphic and  
 27 textual material and shall be designed to accommodate anticipated long-  
 1 range future growth which shall be based upon documented population and

- 2 economic projections.
- 3 2. Renumber the remaining section and correct the repealer
- 4 accordingly.

(Signed) Justin Wayne, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 400.** Senator Wishart renewed her amendment, FA22, found on page 808, to the Halloran amendment, AM578.

### **SENATOR WILLIAMS PRESIDING**

### **SPEAKER SCHEER PRESIDING**

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Wishart amendment.

Senator Chambers offered the following motion:

MO24

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Hunt offered the following motion:

MO25

Bracket until March 15, 2019.

### **SENATOR WILLIAMS PRESIDING**

Pending.

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

Appropriations

Room 1524

Monday, March 25, 2019 1:30 p.m.

LB181

LB24

LB403

LB404

LB480

Agency 28 - Veterans' Affairs, Department of

Agency 25 - Health and Human Services

Note: Medicaid, Public Health, Long Term Care

Tuesday, March 26, 2019 1:30 p.m.

LB202  
LB226  
LB326  
LB327  
LB485  
LB558

Agency 25 - Health and Human Services

Note: Children and Family Services, Division of Developmental  
Disabilities, Behavioral Health, Facilities

Room 1003

Wednesday, March 27, 2019 1:30 p.m.

LB586  
LB587

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 10 - Auditor of Public Accounts

Agency 12 - State Treasurer

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 698.** Placed on General File with amendment.

AM554

1 1. On page 3, strike lines 27 through 31 and insert the following  
2 new subdivision:

3 "(b)(i) A violation of this subsection is a Class III misdemeanor  
4 for a first offense.

5 (ii) A violation of this subsection is a Class III misdemeanor for a  
6 second or subsequent offense, except that in lieu of issuing a citation  
7 to an operator for such second or subsequent offense the Superintendent  
8 of Law Enforcement and Public Safety may assess the owner of the vehicle  
9 a civil penalty of one thousand dollars for each violation of this  
10 subsection. The superintendent".

**LEGISLATIVE BILL 719.** Placed on General File with amendment.

AM258

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

2 sections:

3 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 60-169 (1)(a) Except as otherwise provided in subdivision (c) ~~(b)~~ of  
6 this subsection, each owner of a vehicle and each person mentioned as  
7 owner in the last certificate of title, when the vehicle is dismantled,  
8 destroyed, or changed in such a manner that it loses its character as a  
9 vehicle or changed in such a manner that it is not the vehicle described  
10 in the certificate of title, shall surrender his or her certificate of  
11 title to any county treasurer or to the department. If the certificate of  
12 title is surrendered to a county treasurer, he or she shall, with the  
13 consent of any holders of any liens noted thereon, enter a cancellation  
14 upon the records and shall notify the department of such cancellation.  
15 Beginning on the implementation date designated by the director pursuant  
16 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall  
17 report electronically to the department using the electronic reporting  
18 system. If the certificate is surrendered to the department, it shall,  
19 with the consent of any holder of any lien noted thereon, enter a  
20 cancellation upon its records.

21 (b) This subdivision applies to all licensed wrecker or salvage  
22 dealers and, except as otherwise provided in this subdivision, to each  
23 vehicle located on the premises of such dealer. For each vehicle required  
24 to be reported under 28 C.F.R. 25.56, as such regulation existed on  
25 January 1, 2019, the information obtained by the department under this  
26 section may be reported to the National Motor Vehicle Title Information  
27 System in a format that will satisfy the requirement for reporting under  
1 28 C.F.R. 25.56, as such regulation existed on January 1, 2019. Such  
2 report shall include:

3 (i) The name, address, and contact information for the reporting  
4 entity;

5 (ii) The vehicle identification number;

6 (iii) The date the reporting entity obtained such motor vehicle;

7 (iv) The name of the person from whom such motor vehicle was  
8 obtained, for use only by a law enforcement or other appropriate  
9 government agency;

10 (v) A statement of whether the motor vehicle was or will be crushed,  
11 disposed of, offered for sale, or used for another purpose; and

12 (vi) Whether the motor vehicle is intended for export outside of the  
13 United States.

14 The department may set and collect a fee, not to exceed the cost of  
15 reporting to the National Motor Vehicle Title Information System, from  
16 wrecker or salvage dealers for electronic reporting to the National Motor  
17 Vehicle Title Information System, which shall be remitted to the State  
18 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This  
19 subdivision does not apply to any vehicle reported by a wrecker or  
20 salvage dealer to the National Motor Vehicle Title Information System as  
21 required under 28 C.F.R. 25.56, as such regulation existed on January 1,  
22 2019.

23 (c)(i) ~~(b)(i)~~ In the case of a mobile home or manufactured home for  
24 which a certificate of title has been issued, if such mobile home or  
25 manufactured home is affixed to real property in which each owner of the

26 mobile home or manufactured home has any ownership interest, the  
27 certificate of title may be surrendered for cancellation to the county  
28 treasurer of the county where such mobile home or manufactured home is  
29 affixed to real property if at the time of surrender the owner submits to  
30 the county treasurer an affidavit of affixture on a form provided by the  
31 department that contains all of the following, as applicable:

1 (A) The names and addresses of all of the owners of record of the  
2 mobile home or manufactured home;

3 (B) A description of the mobile home or manufactured home that  
4 includes the name of the manufacturer, the year of manufacture, the  
5 model, and the manufacturer's serial number;

6 (C) The legal description of the real property upon which the mobile  
7 home or manufactured home is affixed and the names of all of the owners  
8 of record of the real property;

9 (D) A statement that the mobile home or manufactured home is affixed  
10 to the real property;

11 (E) The written consent of each holder of a lien duly noted on the  
12 certificate of title to the release of such lien and the cancellation of  
13 the certificate of title;

14 (F) A copy of the certificate of title surrendered for cancellation;  
15 and

16 (G) The name and address of an owner, a financial institution, or  
17 another entity to which notice of cancellation of the certificate of  
18 title may be delivered.

19 (ii) The person submitting an affidavit of affixture pursuant to  
20 subdivision ~~(c)(i)~~ ~~(b)(i)~~ of this subsection shall swear or affirm that  
21 all statements in the affidavit are true and material and further  
22 acknowledge that any false statement in the affidavit may subject the  
23 person to penalties relating to perjury under section 28-915.

24 (2) If a certificate of title of a mobile home or manufactured home  
25 is surrendered to the county treasurer, along with the affidavit required  
26 by subdivision ~~(1)(c)~~ ~~(+)(b)~~ of this section, he or she shall enter a  
27 cancellation upon his or her records, notify the department of such  
28 cancellation, forward a duplicate original of the affidavit to the  
29 department, and deliver a duplicate original of the executed affidavit  
30 under subdivision ~~(1)(c)~~ ~~(+)(b)~~ of this section to the register of deeds  
31 for the county in which the real property is located to be filed by the  
1 register of deeds. The county treasurer shall be entitled to collect fees  
2 from the person submitting the affidavit in accordance with section  
3 33-109 to cover the costs of filing such affidavit. Following the  
4 cancellation of a certificate of title for a mobile home or manufactured  
5 home, the county treasurer or designated county official shall not issue  
6 a certificate of title for such mobile home or manufactured home, except  
7 as provided in subsection (5) of this section.

8 (3) If a mobile home or manufactured home is affixed to real estate  
9 before June 1, 2006, a person who is the holder of a lien or security  
10 interest in both the mobile home or manufactured home and the real estate  
11 to which it is affixed on such date may enforce its liens or security  
12 interests by accepting a deed in lieu of foreclosure or in the manner

13 provided by law for enforcing liens on the real estate.

14 (4) A mobile home or manufactured home for which the certificate of  
15 title has been canceled and for which an affidavit of affixture has been  
16 duly recorded pursuant to subsection (2) of this section shall be treated  
17 as part of the real estate upon which such mobile home or manufactured  
18 home is located. Any lien thereon shall be perfected and enforced in the  
19 same manner as a lien on real estate. The owner of such mobile home or  
20 manufactured home may convey ownership of the mobile home or manufactured  
21 home only as a part of the real estate to which it is affixed.

22 (5)(a) If each owner of both the mobile home or manufactured home  
23 and the real estate described in subdivision (1)(c) ~~(1)(b)~~ of this  
24 section intends to detach the mobile home or manufactured home from the  
25 real estate, the owner shall do both of the following: (i) Before  
26 detaching the mobile home or manufactured home, record an affidavit of  
27 detachment in the office of the register of deeds in the county in which  
28 the affidavit is recorded under subdivision (1)(c) ~~(1)(b)~~ of this  
29 section; and (ii) apply for a certificate of title for the mobile home or  
30 manufactured home pursuant to section 60-147.

31 (b) The affidavit of detachment shall contain all of the following:

1 (i) The names and addresses of all of the owners of record of the  
2 mobile home or manufactured home;

3 (ii) A description of the mobile home or manufactured home that  
4 includes the name of the manufacturer, the year of manufacture, the  
5 model, and the manufacturer's serial number;

6 (iii) The legal description of the real estate from which the mobile  
7 home or manufactured home is to be detached and the names of all of the  
8 owners of record of the real estate;

9 (iv) A statement that the mobile home or manufactured home is to be  
10 detached from the real property;

11 (v) A statement that the certificate of title of the mobile home or  
12 manufactured home has previously been canceled;

13 (vi) The name of each holder of a lien of record against the real  
14 estate from which the mobile home or manufactured home is to be detached,  
15 with the written consent of each holder to the detachment; and

16 (vii) The name and address of an owner, a financial institution, or  
17 another entity to which the certificate of title may be delivered.

18 (6) An owner of an affixed mobile home or manufactured home for  
19 which the certificate of title has previously been canceled pursuant to  
20 subsection (2) of this section shall not detach the mobile home or  
21 manufactured home from the real estate before a certificate of title for  
22 the mobile home or manufactured home is issued by the county treasurer or  
23 department. If a certificate of title is issued by the county treasurer  
24 or department, the mobile home or manufactured home is no longer  
25 considered part of the real property. Any lien thereon shall be perfected  
26 pursuant to section 60-164. The owner of such mobile home or manufactured  
27 home may convey ownership of the mobile home or manufactured home only by  
28 way of a certificate of title.

29 (7) For purposes of this section:

30 (a) A mobile home or manufactured home is affixed to real estate if

31 the wheels, towing hitches, and running gear are removed and it is  
 1 permanently attached to a foundation or other support system; and  
 2 (b) Ownership interest means the fee simple interest in real estate  
 3 or an interest as the lessee under a lease of the real property that has  
 4 a term that continues for at least twenty years after the recording of  
 5 the affidavit under subsection (2) of this section.  
 6 (8) Upon cancellation of a certificate of title in the manner  
 7 prescribed by this section, the county treasurer and the department may  
 8 cancel and destroy all certificates and all memorandum certificates in  
 9 that chain of title.  
 10 Sec. 2. Original section 60-169, Revised Statutes Cumulative  
 11 Supplement, 2018, is repealed.

(Signed) Curt Friesen, Chairperson

Education

**LEGISLATIVE BILL 180.** Placed on General File.

**LEGISLATIVE BILL 534.** Placed on General File with amendment.  
 AM686

1 1. Strike the original section and insert the following new section:  
 2 Section 1. (1) On or before September 15, 2019, and September 15 of  
 3 each odd-numbered year thereafter, each public postsecondary institution  
 4 shall electronically submit a report to the Clerk of the Legislature and  
 5 the Education Committee of the Legislature regarding sexual violence,  
 6 dating violence, domestic violence, and stalking.  
 7 (2) The report shall include:  
 8 (a) Results of any campus climate survey related to sexual violence,  
 9 dating violence, domestic violence, and stalking; and  
 10 (b) Information related to the training provided to Title IX  
 11 coordinators, investigators, and decisionmakers regarding sexual  
 12 violence, dating violence, domestic violence, and stalking.  
 13 (3) The report shall not include any personally identifiable  
 14 information, information that is subject to a privilege arising under  
 15 state or federal law, or records that may be withheld from disclosure  
 16 under section 84-712.05.  
 17 (4) For purposes of this section:  
 18 (a) Postsecondary institution has the same meaning as in section  
 19 85-2403;  
 20 (b) Sexual violence means sexual acts perpetrated against a person's  
 21 will or when a person is incapable of giving consent by reason of, but  
 22 not limited to, the following:  
 23 (i) Such person's age;  
 24 (ii) Such person's use of drugs or alcohol; or  
 25 (iii) An intellectual or other disability that prevents such person  
 26 from having the capacity to give consent; and  
 27 (c) Title IX means Title IX of the Education Amendments of 1972,  
 1 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying

2 regulations and guidance documents, as such law, regulations, and  
 3 documents existed on January 1, 2019.

(Signed) Mike Groene, Chairperson

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

Senator Dorn filed the following amendment to LB524:

AM332

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

3 Section 1. Section 13-509, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:

5 13-509 (1) On or before August 20 of each year, the county assessor  
 6 shall certify to each governing body or board empowered to levy or  
 7 certify a tax levy the current taxable value of the taxable real and  
 8 personal property subject to the applicable levy. The certification shall  
 9 be provided to the governing body or board (a) by mail if requested by  
 10 the governing body or board, (b) electronically, or (c) by listing such  
 11 certification on the county assessor's web site.

12 (2) Current taxable value for real property shall mean the value  
 13 established by the county assessor and equalized by the county board of  
 14 equalization and the Tax Equalization and Review Commission. Current  
 15 taxable value for tangible personal property shall mean the net book  
 16 value reported by the taxpayer and certified by the county assessor.

17 (3) If a political subdivision annexes property since the last time  
 18 taxable values were certified under subsection (1) of this section, the  
 19 governing body of such political subdivision shall file and record a  
 20 certified copy of the annexation ordinance, petition, or resolution in  
 21 the office of the register of deeds or, if none, the county clerk and the  
 22 county assessor of the county in which the annexed property is located.  
 23 The annexation ordinance, petition, or resolution shall include a full  
 24 legal description of the annexed property. If the register of deeds or  
 25 county clerk receives and records such ordinance, petition, or resolution  
 26 prior to July 1 or, for annexations by a city of the metropolitan class,  
 27 prior to August 1, the valuation of the real and personal property  
 1 annexed shall be considered in the taxable valuation of the annexing  
 2 political subdivision for the current year. If the register of deeds or  
 3 county clerk receives and records such ordinance, petition, or resolution  
 4 on or after July 1 or, for annexations by a city of the metropolitan  
 5 class, on or after August 1, the valuation of the any real and  
 6 personal property annexed by a political subdivision on or after August 1  
 7 shall be considered in the taxable valuation of the annexing political  
 8 subdivision for the following year.

9 Sec. 2. Section 79-1074, Reissue Revised Statutes of Nebraska, is  
 10 amended to read:

11 79-1074 (1) The county clerk of any county in which a part of a  
 12 joint school district or learning community is located shall, on or  
 13 before the date prescribed in subsection (1) of section 13-509, certify

14 the taxable valuation of all taxable property of such part of the joint  
15 district or learning community to the clerk of the headquarters county in  
16 which the schoolhouse or the administrative office of the school district  
17 or learning community is located.

18 (2) The county clerk of any county in which a part of a joint  
19 affiliated school system or learning community is located shall, on or  
20 before the date prescribed in subsection (1) of section 13-509, certify  
21 the taxable valuation of all taxable property of such part of the joint  
22 affiliated school system or learning community to the clerk of the  
23 headquarters county in which the schoolhouse or the administrative office  
24 of the high school district or learning community is located.

25 Sec. 3. Original section 79-1074, Reissue Revised Statutes of  
26 Nebraska, and section 13-509, Revised Statutes Cumulative Supplement,  
27 2018, are repealed.

### GENERAL FILE

**LEGISLATIVE BILL 217.** Title read. Considered.

Committee AM387, found on page 560, was adopted with 30 ayes, 1 nay,  
and 18 present and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, and 19  
present and not voting.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 590.** Placed on Select File with amendment.

ER48

1 1. On page 1, strike beginning with "child" in line 1 through line 6  
2 and insert "the Quality Child Care Act; to amend section 43-2606, Revised  
3 Statutes Cumulative Supplement, 2018; to require the use of the Nebraska  
4 Early Childhood Professional Record System for documentation and  
5 verification of staff training; and to repeal the original section."

(Signed) Julie Slama, Chairperson

### ANNOUNCEMENT

Senator Hilgers announced the Executive Board will hold an executive  
session Friday, March 15, 2019, at 12:00 p.m., in Room 1525.

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

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

Senator Geist name added to LB15.

Senator Blood name added to LB217.

Senator Hilkemann name added to LB327.

Senator Blood name added to LB409.

**VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Association of Behavioral Health Organizations from across the state; Garrett Salisbury from Lincoln; a group with Miss Nebraska High School America; members from Leadership Nebraska City and Leadership Nemaha County; John and Mary Carter from Kew Gardens, NY and George Barry from Lincoln; students from Rohwer Elementary School, Millard; and Ryan O'Grady from Bellevue.

**ADJOURNMENT**

At 11:48 a.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 15, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 15, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**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 Moser, Scheer, and Walz who were excused; and Senators DeBoer, Hunt, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**COMMITTEE REPORT(S)**

## Agriculture

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

Chris Kircher - Nebraska State Fair Board

Aye: 7 Blood, Brandt, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0.  
Absent: 1 Chambers. Present and not voting: 0.

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

Dawn Caldwell - Nebraska State Fair Board

Aye: 7 Blood, Brandt, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0.  
Absent: 1 Chambers. Present and not voting: 0.

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

Jeremy Jensen - State Fair Board

Aye: 7 Blood, Brandt, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 243.** Placed on General File with amendment.

AM640

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

3 Section 1. The Legislature finds that:

4 (1) Healthy soils are a limited natural resource and fundamental for  
5 healthy and sustainable food production. Improving soil health means  
6 increasing soil's organic matter and diversifying its microbial activity  
7 to enhance agricultural productivity and environmental resilience. A  
8 commitment to healthy and productive soils and clean water is critical as  
9 world population and food production demands rise;

10 (2) Nebraska is a powerhouse agricultural state because of its  
11 productive soils and abundant water. However, through the years there has  
12 been a depletion of organic matter and trace minerals, making the soil  
13 less fertile than it was;

14 (3) There is a significant opportunity for Nebraska farmers and  
15 ranchers to capitalize on the economic and production benefits of  
16 improved soil health, while simultaneously improving surface and ground  
17 water quality;

18 (4) Improving the health of Nebraska's soil is the most effective  
19 way for agricultural producers to increase crop and forage productivity  
20 and profitability while also protecting the environment;

21 (5) Appropriate planning and coordination is needed to speed up and  
22 coordinate the adoption of conservation practices that rebuild and  
23 protect soil carbon to increase water holding capacity and enhance the  
24 vitality of the subsurface microbiome for landowners to capitalize on the  
25 economic and production benefits of soil health, while simultaneously  
26 enhancing water quality, capturing carbon, building resilience to drought  
27 and pests, reducing greenhouse gas emissions, expanding pollinator and  
1 other wildlife habitat, and protecting fragile ecosystems for a more  
2 sustainable future; and

3 (6) A number of states have initiated formal soil health programs  
4 either through the establishment of new entities or collaborations  
5 between existing entities.

- 6 Sec. 2. (1) The Healthy Soils Task Force is created.  
7 (2) The task force shall consist of the following voting members:  
8 (a) The Director of Agriculture or his or her designee;  
9 (b) Two representatives of natural resources districts in Nebraska,  
10 appointed by the Governor;  
11 (c) Two academic experts in agriculture and natural resources in  
12 Nebraska, appointed by the Governor;  
13 (d) Six representatives from production agriculture, including at  
14 least two producers that are using healthy soil practices, appointed by  
15 the Governor;  
16 (e) Two representatives from agribusiness, appointed by the  
17 Governor; and  
18 (f) Two representatives from environmental organizations in  
19 Nebraska, appointed by the Governor.  
20 (3) The task force shall consist of the following nonvoting members:  
21 (a) The chairperson of the Natural Resources Committee of the  
22 Legislature; and  
23 (b) The chairperson of the Agriculture Committee of the Legislature.  
24 (4) In selecting membership for appointment to the task force, the  
25 Governor shall seek to appoint members with relevant expertise regarding  
26 methods for incorporating healthy soil stewardship practices into working  
27 agricultural operations and for optimizing environmental services  
28 provided through such practices. Appointments to the task force shall be  
29 made within sixty days after the effective date of this act and appointed  
30 members shall begin serving immediately following notice of appointment.  
31 Members shall be reimbursed for their actual and necessary expenses  
1 incurred in carrying out their duties as members, as provided in sections  
2 81-1174 to 81-1177.  
3 (5) The task force shall hold its first meeting no later than  
4 September 1, 2019. At its first meeting, the members shall elect a  
5 chairperson. Subsequent to the initial meeting, the task force may meet  
6 as necessary at the call of the chairperson.  
7 (6) For administrative and budgetary purposes, the task force shall  
8 be housed within the Department of Agriculture. Additional support to  
9 facilitate the work of the task force may be requested from appropriate  
10 federal and state agencies.  
11 Sec. 3. (1) The Healthy Soils Task Force shall:  
12 (a) Develop a comprehensive healthy soils initiative for the State  
13 of Nebraska;  
14 (b) Develop a comprehensive action plan to coordinate efforts to  
15 carry out such healthy soils initiative using standards for organic  
16 matter, biological activity, biological diversity, and soil structure as  
17 measures to assess improved soil health. The action plan shall set goals,  
18 formulate timelines for task completion, and determine resources required  
19 and resource availability. In developing the action plan, the task force  
20 shall examine:  
21 (i) Issues related to providing farmers and ranchers with research,  
22 education, technical assistance, and demonstration projects;  
23 (ii) Options for financial incentives to improve soil health; and

24 (iii) The contribution of livestock to soil health;  
25 (c) Identify realistic and achievable goals and timelines for  
26 improvement of soil health in Nebraska through voluntary partnerships  
27 among agricultural producers and relevant state and local agencies and  
28 other public and private entities; and  
29 (d) Review provisions of the federal Agriculture Improvement Act of  
30 2018, Public Law 115-334, and any implementing rules, regulations, and  
31 guidelines of the United States Department of Agriculture and identify  
1 opportunities to leverage state, local, or private funds under the  
2 Regional Conservation Partnership Program of the United States Department  
3 of Agriculture and other conservation programs for the purposes of the  
4 healthy soils initiative. Such information shall be included in the  
5 annual report issued pursuant to section 4 of this act.  
6 (2) To carry out its duties, the Healthy Soils Task Force may  
7 consult other agencies or organizations, including, but not limited to,  
8 the University of Nebraska, the Natural Resources Conservation Service,  
9 the Farm Service Agency, and the Agricultural Research Service of the  
10 United States Department of Agriculture, the Soil Health Institute, the  
11 Soil Health Partnership, and other state and federal agencies or public  
12 or private organizations with responsibility or expertise in research,  
13 demonstration, education, advising, funding, or promotion relating to  
14 agronomic and other agricultural land management practices consistent  
15 with the purpose of the task force.  
16 Sec. 4. On or before January 1, 2021, the Healthy Soils Task Force  
17 shall submit the comprehensive action plan and report its findings and  
18 recommendations to the Governor and electronically to the Agriculture  
19 Committee of the Legislature. The task force shall terminate on January  
20 1, 2021.  
21 Sec. 5. Section 81-2,162.27, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:  
23 81-2,162.27 (1) All money received under the Nebraska Commercial  
24 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
25 Act shall be remitted to the State Treasurer for credit to the  
26 Fertilizers and Soil Conditioners Administrative Fund, which fund is  
27 hereby created. ~~Money~~ ~~All money~~ so received shall be used by the  
28 department for defraying the expenses of administering the Nebraska  
29 Commercial Fertilizer and Soil Conditioner Act and the Agricultural  
30 Liming Materials Act. ~~The fund may also be used to defray costs incurred~~  
31 by the department directly related to administrative and budgetary  
1 support of the Healthy Soils Task Force pursuant to sections 1 to 4 of  
2 this act, except that no more than ten thousand dollars each fiscal year  
3 may be expended by the department from the fund for such purpose.  
4 Transfers may be made from the fund to the General Fund at the direction  
5 of the Legislature. The State Treasurer shall transfer two hundred  
6 seventy-five thousand dollars from the Fertilizers and Soil Conditioners  
7 Administrative Fund to the General Fund on or before June 30, 2019, on  
8 such dates and in such amounts as directed by the budget administrator of  
9 the budget division of the Department of Administrative Services.  
10 (2) Any unexpended balance in the Fertilizers and Soil Conditioners

11 Administrative Fund at the close of any biennium shall, when  
12 reappropriated, be available for the uses and purposes of the fund for  
13 the succeeding biennium. Any money in the fund available for investment  
14 shall be invested by the state investment officer pursuant to the  
15 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
16 Act.  
17 Sec. 6. Original section 81-2,162.27, Revised Statutes Cumulative  
18 Supplement, 2018, is repealed.  
19 Sec. 7. Since an emergency exists, this act takes effect when passed  
20 and approved according to law.

(Signed) Steve Halloran, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 14, 2019,  
in accordance with Section 49-1481, Revised Statutes of Nebraska.  
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Aciz, Joshua  
Wolf-PAC  
Gay, Tim  
Kutak Rock LLP  
Lemay, Bryant  
Wolf-PAC  
O'Hara Lindsay & Associates, Inc.  
Spin  
Sedlacek, Ronald J.  
Husch Blackwell Strategies LLC

#### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the  
Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

#### **MOTION(S) - Return LB399 to Select File**

Senator Vargas moved to return LB399 to Select File for his specific  
amendment, AM565, found on page 775.

The Vargas motion to return prevailed with 35 ayes, 5 nays, 3 present and  
not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 399.** The Vargas specific amendment, AM565, found on page 775, lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

Readvanced to Final Reading.

**WITHDRAW - Amendments to LB399**

Senator Chambers withdrew his amendments, FA20 and FA21, found on pages 775 and 794, to LB399.

**WITHDRAW - Motion to LB399**

Senator Chambers withdrew his motion, MO21, found on page 775, to recommit LB399 to committee.

**MOTION(S) - Return LB399 to Select File**

Senator Slama moved to return LB399 to Select File for the following specific amendment:

AM727

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 79-724 It is the responsibility of society to ensure that youth are  
 6 given the opportunity to become competent, responsible, patriotic, and  
 7 civil citizens to ensure An informed, loyal, just, and patriotic  
 8 citizenry is necessary to a strong, stable, just, and prosperous America.  
 9 Such a citizenry necessitates that every member thereof be knowledgeable  
 10 of our fully acquainted with the nation's history, government, geography,  
 11 and economic system. The youth in our state should be committed to the  
 12 ideals and values of our country's democracy and the constitutional  
 13 republic established by the people. Schools should help prepare our youth  
 14 to make informed and reasoned decisions for the public good. Civic  
 15 competence is necessary to sustain and improve our democratic way of life  
 16 and must be taught in all public, private, denominational, and parochial  
 17 schools. A central role of schools is to impart civic knowledge and  
 18 skills that help our youth to see the relevance of a civic dimension for  
 19 their lives. Students should be made and that he or she be in full accord  
 20 with our form of government and fully aware of the liberties,  
 21 opportunities, and advantages we possess of which we are possessed and  
 22 the sacrifices and struggles of those through whose efforts these  
 23 benefits were gained. Since young people are youth is the time most  
 24 susceptible to the acceptance of principles and doctrines that will  
 25 influence them men and women throughout their lives, it is one of the  
 26 first duties of our educational system to conduct its activities, choose

1 its textbooks, and arrange its curriculum in such a way that the youth of  
2 our state have the opportunity to become competent, responsible,  
3 patriotic, and civil American citizens ~~love of liberty, justice,~~  
4 ~~democracy, and America will be instilled in the hearts and minds of the~~  
5 ~~youth of the state.~~

6 (1) ~~The Every~~ school board of each school district shall, at the  
7 beginning of each calendar school year, appoint from its members a  
8 committee of three, to be known as the committee on American civics,  
9 ~~which Americanism. The committee on Americanism~~ shall:

10 (a) Hold no fewer than two public meetings annually, at least one  
11 when public testimony is accepted;

12 (b) Keep minutes of each meeting showing the time and place of the  
13 meeting, which members were present or absent, and the substance and  
14 details of all matters discussed;

15 (c) Examine and ensure that the social studies curriculum used in  
16 the district is aligned with the social studies standards adopted  
17 pursuant to section 79-760.01 and teaches foundational knowledge in  
18 civics, history, economics, financial literacy, and geography;

19 (d) Review and approve the social studies curriculum to ensure that  
20 it stresses (a) ~~Carefully examine, inspect, and approve all textbooks~~  
21 ~~used in the teaching of American history and civil government in the~~  
22 ~~school. Such textbooks shall adequately stress the services of the men~~  
23 ~~and women who played a crucial role in the achievement of achieved our~~  
24 ~~national independence, establishment of established our constitutional~~  
25 ~~government, and preservation of the preserved our union and includes the~~  
26 incorporation of multicultural education as set forth in sections 79-719  
27 to 79-723 in order shall be so written to include contributions by ethnic

28 ~~groups as to instill develop a pride and respect for the nation's our~~  
29 ~~institutions and not be merely a mere recital of events and dates;~~

30 (e) Ensure that any curriculum recommended or approved by the  
31 committee on American civics is made readily accessible to the public and  
1 contains a reference to this section;

2 (f) Ensure that the district develops and utilizes formative,  
3 interim, and summative assessments to measure student mastery of the  
4 social studies standards adopted pursuant to section 79-760.01;

5 (g) Ensure that the social studies curriculum in the district  
6 incorporates one or more of the following for each student:

7 (i) Administration of a written test that is identical to the entire  
8 civics portion of the naturalization test used by United States  
9 Citizenship and Immigration Services prior to the completion of eighth  
10 grade and again prior to the completion of twelfth grade with the  
11 individual score from each test for each student made available to a  
12 parent or guardian of such student; or

13 (ii) Attendance or participation between the commencement of eighth  
14 grade and completion of twelfth grade in a meeting of a public body as  
15 defined by section 84-1409 followed by the completion of a project or  
16 paper in which each student demonstrates or discusses the personal  
17 learning experience of such student related to such attendance or  
18 participation; or

19 (iii) Completion of a project or paper and a class presentation

20 between the commencement of eighth grade and the completion of twelfth  
 21 grade on a person or persons or an event commemorated by a holiday listed  
 22 in subdivision (6) of this section or on a topic related to such person  
 23 or persons or event; and  
 24 ~~(b) Assure themselves as to the character of all teachers employed~~  
 25 ~~and their knowledge and acceptance of the American form of government;~~  
 26 ~~and~~  
 27 ~~(h) (e) Take all such steps as will assure the carrying out of~~  
 28 ~~the provisions of this section and provide a report to the school board~~  
 29 ~~regarding the committee's findings and recommendations.~~  
 30 (2) All social studies ~~American history~~ courses approved for grade  
 31 levels as provided by this section shall include and adequately stress  
 1 contributions of all ethnic groups ~~to (a) to~~ the development and growth  
 2 of America into a great nation, (b) ~~to~~ art, music, education, medicine,  
 3 literature, science, politics, and government, and (c) the military in  
 4 all of this nation's wars to the war services in all wars of this nation.  
 5 (3) All grades of all public, private, denominational, and parochial  
 6 schools, below the sixth grade, shall devote at least one hour per week  
 7 to exercises or teaching periods for the following purpose:  
 8 (a) The discussion ~~recital~~ of noteworthy events pertaining to  
 9 American history or the exceptional acts of individuals and groups of  
 10 Americans stories having to do with American history or the deeds and  
 11 exploits of American heroes;  
 12 (b) The historical background, memorization, and singing of  
 13 patriotic songs such as and the insistence that every pupil memorize the  
 14 Star-Spangled Banner and America the Beautiful; ~~and~~  
 15 (c) The development of respect ~~reverence~~ for the American flag as a  
 16 symbol of freedom and the sacrifices of those who secured that freedom;  
 17 and  
 18 (d) Instruction ~~instruction~~ as to proper conduct in the its  
 19 presentation of the American flag.  
 20 (4) In at least two of the three grades from the fifth grade to the  
 21 eighth grade in all public, private, denominational, and parochial  
 22 schools, time at least three periods per week shall be set aside for to  
 23 be devoted to the teaching of American history from the social studies  
 24 curriculum approved textbooks, which shall be taught in such a manner  
 25 that all students are given the opportunity to (a) become competent,  
 26 responsible, patriotic, and civil citizens who possess a deep  
 27 understanding of and respect for both the Constitution of the United  
 28 States and the Constitution of Nebraska and (b) prepare to preserve,  
 29 protect, and defend freedom and democracy in our nation and our world way  
 30 as to make the course interesting and attractive and to develop a love of  
 31 country.  
 1 (5) In at least two courses in grades of every high school, time at  
 2 least three periods per week shall be devoted to the teaching of civics  
 3 and American history as outlined in the social studies standards adopted  
 4 pursuant to section 79-760.01, during which courses specific attention  
 5 shall be given to the following matters:  
 6 (a) The Declaration of Independence, the United States Constitution,  
 7 and the Constitution of Nebraska, and the structure and function of local

8 government in this state;

9 (b) The benefits and advantages of ~~representative our form of~~  
 10 government, and the rights and responsibilities of citizenship in our  
 11 government, and the dangers and fallacies of forms of government that  
 12 restrict individual freedoms or possess antidemocratic ideals such as,  
 13 but not limited to, Nazism and communism; dangers and fallacies of  
 14 Nazism, Communism, and similar ideologies; and

15 (c) The duties of citizenship, which include ~~including~~ active  
 16 participation in the improvement of a citizen's community, state,  
 17 country, and world and the value and practice of civil discourse between  
 18 opposing interests; and -

19 (d) The application of knowledge in civics, history, economics,  
 20 financial literacy, and geography to address societal issues.

21 (6) Appropriate patriotic exercises suitable to the occasion shall  
 22 be held under the direction of the superintendent in every public,  
 23 private, denominational, and parochial school on George Washington's  
 24 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
 25 birthday, Native American Heritage Day, Constitution Day, Memorial Day,  
 26 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's  
 27 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans  
 28 Day, or on the day preceding or following such holiday, if the school is  
 29 in session.

30 (7) Every school board, the State Board of Education, and the  
 31 superintendent of each school district in the state shall be held  
 1 directly responsible in the order named for carrying out this section,  
 2 Neglect thereof by any employee may be considered a cause for dismissal -  
 3 and neglect thereof by any employee or appointed official shall be  
 4 considered a dereliction of duty and cause for dismissal.

5 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 79-727 The State Board of Education shall adopt and promulgate  
 8 rules and regulations to carry out the provisions of sections 79-724  
 9 through 79-726. The State Department of Education shall ensure that all  
 10 requirements of such sections and such rules and regulations are carried  
 11 out by each school district Any person violating the provisions of  
 12 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.

13 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised  
 14 Statutes of Nebraska, are repealed.

The Slama motion to return prevailed with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 399.** The Slama specific amendment, AM727, found in this day's Journal, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB284 with 36 ayes, 6 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 284.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms; to change sales and use tax provisions relating to certain out-of-state retailers and multivendor marketplace platforms; to require certain retailers to obtain a sales tax permit and collect sales taxes as prescribed; to relieve certain retailers of their obligation to collect sales taxes as prescribed; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Albrecht	Chambers	Halloran	Lathrop	Quick
Arch	Clements	Hansen, B.	Lindstrom	Slama
Blood	Crawford	Hansen, M.	Linehan	Stinner
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Hilgers            La Grone

Excused and not voting, 4:

DeBoer            Moser            Scheer            Walz

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB302 with 39 ayes, 5 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 302.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 2-15,100, 2-3241, 2-4215, 13-1701, 13-2008, 13-2009, 13-2042.01, 37-806, 46-2,109, 46-602, 46-606, 46-704, 46-705, 46-706, 46-711, 46-721, 46-722, 46-723, 46-724, 46-725, 46-726, 46-728, 46-729, 46-730, 46-731, 46-732, 46-733, 46-743, 46-749, 46-750, 46-1102, 46-1108, 46-1109, 46-1217, 46-1301, 46-1502, 46-1642, 54-744.01, 54-2417, 54-2421, 54-2429, 57-705, 58-221, 60-6,363, 60-6,364, 60-6,367, 60-6,368, 66-203, 66-204, 66-301, 66-302, 66-303, 66-304, 66-489.02, 66-1004, 66-1009, 66-1105, 66-1344, 66-1504, 66-1518, 66-1529.02, 66-2001, 69-2011, 69-2502, 70-1003, 70-1032, 71-2433, 71-3503, 71-5302, 71-5316, 72-804, 72-805, 76-2602, 76-2608, 77-27,150, 77-27,151, 77-27,152, 77-27,153, 77-27,154, 77-27,187.01, 77-27,236, 81-1108.55, 81-1502, 81-1503, 81-1504.01, 81-1505.01, 81-1506, 81-1537, 81-1540, 81-1561, 81-15,118, 81-15,120, 81-15,123, 81-15,124, 81-15,124.01, 81-15,124.02, 81-15,124.04, 81-15,124.05, 81-15,125, 81-15,126, 81-15,127, 81-15,129, 81-15,159, 81-15,159.02, 81-15,166, 81-15,170, 81-15,177, 81-15,178, 81-15,179, 81-15,180, 81-15,183, 81-15,184, 81-15,185, 81-15,185.01, 81-15,185.02, 81-15,185.03, 81-15,186, 81-15,196, 81-15,210, 81-15,213, 81-15,229, 81-15,235, 81-15,242, 81-15,243, 81-15,245, 81-1607, 81-1609, 81-1611, 81-1612, 81-1613, 81-1616, 81-1617, 81-1618, 81-1620, 81-1625, 81-1635, 81-1636, 81-1637, 81-1638, 81-1640, 81-1641, 84-166, 86-570, and 88-550, Reissue Revised Statutes of Nebraska, and sections 2-969, 2-1501, 2-1507, 2-2626, 2-4604, 46-2,139, 46-683.01, 46-707, 46-1224, 46-1304, 49-506, 54-703, 57-1407, 57-1502, 57-1503, 81-2,294, 81-1316, 81-1504, 81-1505, 81-15,149, 81-15,159.01, 81-15,160, 81-1604, 81-1606, 81-1607.01, 81-3449, 81-3453, and 84-602.04, Revised Statutes Cumulative Supplement, 2018; to merge the State Energy Office with the Department of Environmental Quality; to rename the department, the director, and certain funds; to provide, change, transfer, and eliminate powers and duties; to provide for a permit for discharge of certain materials; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 69-2505, Reissue Revised Statutes of Nebraska, and sections 81-1601, 81-1602, 81-1603, and 81-1605, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hansen, B.	Lathrop	Quick
Arch	Clements	Hansen, M.	Lindstrom	Slama
Blood	Crawford	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Friesen	Howard	McCollister	Wayne
Brandt	Geist	Hughes	McDonnell	Williams
Brewer	Gragert	Hunt	Morfeld	Wishart
Briese	Groene	Kolowski	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Erdman La Grone

Excused and not voting, 4:

DeBoer Moser Scheer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 124.** With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3210, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to jointly created and administered clean energy assessment districts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Halloran	Kolterman	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Slama
Bolz	Dorn	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	Lowe	Vargas
Brandt	Friesen	Howard	McCollister	Wayne
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolowski	Murman	

Voting in the negative, 0.

Present and not voting, 1:

La Grone

Excused and not voting, 4:

DeBoer Moser Scheer Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 127.**

A BILL FOR AN ACT relating to hunting; to amend section 37-455, Reissue Revised Statutes of Nebraska; to redefine immediate family for purposes of limited permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 139.**

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2117, Reissue Revised Statutes of Nebraska; to change provisions relating to a data base of contractors; to provide for a presumption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer          Moser          Scheer          Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB156 with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,379, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-153, 60-301, 60-302, 60-3,104, 60-3,187, 60-3,190, 60-501, 60-520, 60-547, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2018; to authorize the operation, titling, and registration of former military vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Halloran	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Slama
Bolz	Dorn	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	Lowe	Vargas
Brandt	Friesen	Howard	McCollister	Wayne
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Morfeld	Wishart
Cavanaugh	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2705 and 18-2709, Revised Statutes Cumulative Supplement, 2018; to redefine terms to include early childhood infrastructure development and early childhood care and education programs for certain cities and villages as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Arch	Dorn	Howard	Linehan	Vargas
Blood	Friesen	Hughes	McCollister	Wayne
Bolz	Geist	Hunt	McDonnell	Williams
Brandt	Gragert	Kolowski	Morfeld	Wishart
Briese	Groene	Kolterman	Pansing Brooks	
Cavanaugh	Hansen, M.	La Grone	Quick	
Chambers	Hilgers	Lathrop	Slama	
Crawford	Hilkemann	Lindstrom	Stinner	

Voting in the negative, 7:

Albrecht	Clements	Halloran	Murman
Bostelman	Erdman	Lowe	

Present and not voting, 2:

Brewer	Hansen, B.
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Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 195.**

A BILL FOR AN ACT relating to fire codes; to amend sections 71-5907 and 81-505.01, Reissue Revised Statutes of Nebraska, and section 81-502.04, Revised Statutes Cumulative Supplement, 2018; to correct references to the State Fire Code; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 319.**

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 31-1017 and 61-206, Reissue Revised Statutes of Nebraska, and section 46-753, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice and rules and regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hansen, B.	La Grone	Quick
Arch	Clements	Hansen, M.	Lathrop	Slama
Blood	Crawford	Hilgers	Lindstrom	Stinner
Bolz	Dorn	Hilkemann	Linehan	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 1:

Groene

Present and not voting, 1:

Lowe

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 699.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-378, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to transporter plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 16.**

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for withholding certain public records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 29.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-2001, Revised Statutes Cumulative Supplement, 2018; to provide for telehealth practice; to eliminate provisions relating to telehealth practice; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-2063, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Murman
Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	Lowe	Vargas
Brewer	Geist	Hughes	McCollister	Wayne
Briese	Gragert	Hunt	McDonnell	Williams
Cavanaugh	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 48.**

A BILL FOR AN ACT relating to water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to a finding of sufficient cause for nonuse of a water appropriation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Halloran	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hilgers	Lindstrom	Slama
Bolz	Dorn	Hilkemann	Linehan	Stinner
Bostelman	Erdman	Howard	Lowe	Vargas
Brandt	Friesen	Hughes	McCollister	Williams
Brewer	Geist	Hunt	McDonnell	Wishart
Briese	Gragert	Kolowski	Morfeld	
Cavanaugh	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 5:

DeBoer	Hansen, M.	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 112.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-151, 38-154, and 38-155, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-105, 38-118.01, and 38-129.01, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for the waiver of certain fees for low-income individuals, military families, and young workers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Arch	Chambers	Hilkemann	Lindstrom	Quick
Blood	Crawford	Howard	Linehan	Stinner
Bolz	Dorn	Hughes	Lowe	Vargas
Bostelman	Friesen	Hunt	McCollister	Williams
Brandt	Geist	Kolowski	McDonnell	Wishart
Brewer	Gragert	Kolterman	Morfeld	
Briese	Hansen, B.	La Grone	Murman	
Cavanaugh	Hilgers	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Erdman	Halloran	Wayne
Clements	Groene	Slama	

Excused and not voting, 5:

DeBoer	Hansen, M.	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 112A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Arch	Crawford	Howard	Lindstrom	Quick
Blood	Friesen	Hughes	Lowe	Stinner
Bolz	Geist	Hunt	McCollister	Vargas
Bostelman	Gragert	Kolowski	McDonnell	Williams
Brandt	Hansen, B.	Kolterman	Morfeld	Wishart
Cavanaugh	Hilgers	La Grone	Murman	
Chambers	Hilkemann	Lathrop	Pansing Brooks	

Voting in the negative, 1:

Albrecht

Present and not voting, 10:

Brewer	Clements	Erdman	Halloran	Slama
Briese	Dorn	Groene	Linehan	Wayne

Excused and not voting, 5:

DeBoer	Hansen, M.	Moser	Scheer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 116.**

A BILL FOR AN ACT relating to insurance; to authorize electronic delivery of insurance policies and billing information to insureds as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Lindstrom	Slama
Arch	Crawford	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	Lowe	Vargas
Bolz	Erdman	Hughes	McCollister	Williams
Bostelman	Friesen	Hunt	McDonnell	Wishart
Brandt	Geist	Kolowski	Morfeld	
Brewer	Gragert	Kolterman	Murman	
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 2:

Howard            Wayne

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 125.**

A BILL FOR AN ACT relating to victims' rights; to amend section 29-119, Revised Statutes Cumulative Supplement, 2018; to redefine victim; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Lindstrom	Stinner
Arch	Crawford	Hilgers	Linehan	Vargas
Blood	Dorn	Hilkemann	McCollister	Wayne
Bolz	Erdman	Hughes	McDonnell	Williams
Bostelman	Friesen	Hunt	Morfeld	Wishart
Brandt	Geist	Kolowski	Murman	
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Howard            Lowe

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 145.**

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend sections 30-4020 and 30-4031, Reissue Revised Statutes of Nebraska; to change provisions relating to banks and other financial institutions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Lindstrom	Stinner
Arch	Crawford	Hilgers	Linehan	Vargas
Blood	Dorn	Hilkemann	Lowe	Wayne
Bolz	Erdman	Hughes	McCollister	Williams
Bostelman	Friesen	Hunt	McDonnell	Wishart
Brandt	Geist	Kolowski	Murman	
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Howard Morfeld

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB224 with 34 ayes, 5 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 224.**

A BILL FOR AN ACT relating to the Nebraska Educational, Health, and Social Services Finance Authority Act; to amend sections 58-801, 58-802, 58-803, 58-804, 58-805, 58-806, 58-807, 58-811, 58-813, 58-817, 58-818, 58-820, 58-826, 58-827, 58-832, 58-834, 58-835, 58-836, 58-837, 58-838, 58-841, 58-843, 58-844, 58-845, 58-846, 58-847, 58-849, 58-850, 58-851, 58-853, 58-854, 58-855, 58-856, 58-857, 58-862, 58-863, and 58-866, Revised Statutes Cumulative Supplement, 2018; to rename the act; to provide applicability of the act to cultural institutions; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Crawford	Hilgers	Lindstrom	Slama
Arch	Dorn	Hilkemann	Linehan	Stinner
Blood	Erdman	Howard	Lowe	Vargas
Bolz	Friesen	Hughes	McCollister	Williams
Bostelman	Geist	Hunt	McDonnell	Wishart
Brandt	Gragert	Kolowski	Morfeld	
Brewer	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 2:

Briese            Wayne

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 384.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to education requirements; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Arch	Crawford	Kolowski	McDonnell	Wayne
Blood	Dorn	Kolterman	Morfeld	Williams
Bolz	Gragert	La Grone	Murman	Wishart
Brandt	Hansen, B.	Lathrop	Pansing Brooks	
Brewer	Hilkemann	Lindstrom	Quick	
Briese	Howard	Linehan	Stinner	
Cavanaugh	Hunt	McCollister	Vargas	

Voting in the negative, 10:

Albrecht	Clements	Geist	Halloran	Lowe
Bostelman	Erdman	Groene	Hilgers	Slama

Present and not voting, 2:

Friesen            Hughes

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 486.**

A BILL FOR AN ACT relating to education; to adopt the Veteran and Active Duty Supportive Postsecondary Institution Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Linehan	Stinner
Arch	Crawford	Hilgers	Lowe	Vargas
Blood	Dorn	Hilkemann	McCollister	Wayne
Bolz	Erdman	Howard	McDonnell	Williams
Bostelman	Friesen	Hughes	Morfeld	Wishart
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	La Grone	Pansing Brooks	
Briese	Groene	Lathrop	Quick	
Cavanaugh	Halloran	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Hunt            Kolowski

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 575.**

A BILL FOR AN ACT relating to school districts; to require policies relating to the provision of routine directory information and access to students by military recruiters as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	Clements	Halloran	Lathrop	Pansing Brooks
Arch	Crawford	Hansen, B.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Slama
Bolz	Erdman	Hilkemann	Lowe	Stinner
Bostelman	Friesen	Howard	McCollister	Vargas
Brandt	Geist	Hughes	McDonnell	Wayne
Brewer	Gragert	Kolterman	Morfeld	Williams
Briese	Groene	La Grone	Murman	Wishart

Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh Kolowski

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 660.** With Emergency Clause.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-192, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the executive director and chief investigator of the Nebraska Brand Committee; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	Dorn	Hilkemann	Linehan	Stinner
Bolz	Erdman	Howard	Lowe	Vargas
Bostelman	Friesen	Hughes	McCollister	Wayne
Brandt	Geist	Hunt	McDonnell	Williams
Brewer	Gragert	Kolowski	Morfeld	Wishart
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 660A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	Dorn	Hilkemann	Linehan	Vargas
Bolz	Erdman	Howard	Lowe	Wayne
Bostelman	Friesen	Hughes	McCollister	Williams
Brandt	Geist	Hunt	McDonnell	Wishart
Brewer	Gragert	Kolowski	Morfeld	
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 6:

Chambers	Hansen, M.	Scheer
DeBoer	Moser	Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 284, 302, 8, 124, 127, 139, 156, 160, 195, 319, 699, 16, 29, 48, 112, 112A, 116, 125, 145, 224, 384, 486, 575, 660, and 660A.

**SELECT FILE**

**LEGISLATIVE BILL 463.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 318.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 443.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 339.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 340.** Senator Lathrop offered his amendment, AM644, found on page 817.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 141.** ER45, found on page 739, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 354.** ER46, found on page 788, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 354A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 269.** Title read. Considered.

Senator Quick offered his amendment, AM611, found on page 775.

The Quick amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 270.** Title read. Considered.

Committee AM369, found on page 565, was offered.

Senator Crawford offered the following amendment to the committee amendment:

AM755

(Amendments to Standing Committee amendments, AM369)

- 1 1. Insert the following new amendments:
- 2 2. On page 5, line 19; page 15, line 31; page 22, line 18; page 24, line 8; page 26, line 8; page 29, line 12; page 31, line 5; page 32, line 7; page 33, line 7; page 34, line 12; page 35, line 27; page 45, line 1; page 47, line 12; page 49, line 19; page 51, line 24; page 54, line 12; page 56, line 16; and page 63, line 27, strike "may" and insert "shall".
- 3 3. On page 6, line 2; page 55, lines 7 and 12; page 63, lines 1 and 31; and page 73, line 8, strike "may" and reinstate the stricken "shall".

Senator Crawford withdrew her amendment.

The committee amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Friesen offered the following amendment:

FA23

1. On page 5, line 19, strike "may" and insert "shall".
2. On page 15, line 31, strike "may" and insert "shall".
3. On page 63, line 31, strike the new language and reinsert the old language.
4. On page 73, line 8, strike the new language and reinsert the old language.

The Friesen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 379.** Placed on General File with amendment.

AM542

- 1 1. Strike the original sections and insert the following new sections:
- 2 2 sections:
- 3 Section 1. Section 45-901, Revised Statutes Cumulative Supplement,
- 4 2018, is amended to read:
- 5 45-901 Sections 45-901 to 45-931 and sections 5 and 6 of this act
- 6 shall be known and may be cited as the Delayed Deposit Services Licensing

7 Act.

8 Sec. 2. Section 45-902, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 45-902 For purposes of the Delayed Deposit Services Licensing Act:

11 (1) Annual percentage rate means an annual percentage rate as  
12 determined under section 107 of the federal Truth in Lending Act, 15  
13 U.S.C. 1606, as such section existed on January 1, ~~2019~~ 2018, and  
14 includes all fees, interest, and charges contained in a delayed deposit  
15 service contract, except for charges permitted for the presentation of  
16 instruments that are not negotiable under subdivision (1)(a)(v) of  
17 section 45-917 or returned unpaid under section 45-918.01;

18 (2) Check means any check, draft, or other instrument for the  
19 payment of money. Check also means an authorization to debit an account  
20 electronically;

21 (3) Default means a maker's failure to repay a delayed deposit  
22 transaction in compliance with the terms contained in a delayed deposit  
23 service agreement;

24 (4) Delayed deposit services business means any person who for a fee  
25 (a) accepts a check dated subsequent to the date it was written or (b)  
26 accepts a check dated on the date it was written and holds the check for  
27 a period of days prior to deposit or presentment pursuant to an agreement  
1 with or any representation made to the maker of the check, whether  
2 express or implied;

3 (5) Department means the Department of Banking and Finance;

4 (6) Director means the Director of Banking and Finance or his or her  
5 designee;

6 (7) Financial institution has the same meaning as in section  
7 8-101.03;

8 (8) Licensee means any person licensed under the Delayed Deposit  
9 Services Licensing Act;

10 (9) Maker means an individual who receives the proceeds of a delayed  
11 deposit transaction; ~~and~~

12 (10) Nationwide Mortgage Licensing System and Registry means a  
13 licensing system developed and maintained by the Conference of State Bank  
14 Supervisors and the American Association of Residential Mortgage  
15 Regulators for the licensing and registration of mortgage loan  
16 originators, mortgage bankers, installment loan companies, and other  
17 state-regulated financial services entities and industries; and

18 ~~(11)~~ (10) Person means an individual, proprietorship, association,  
19 joint venture, joint stock company, partnership, limited partnership,  
20 limited liability company, business corporation, nonprofit corporation,  
21 or any group of individuals however organized.

22 Sec. 3. Section 45-905, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 45-905 (1) An applicant for a license shall submit an application,  
25 under oath, to the director on forms prescribed by the director. The  
26 forms shall contain such information as the director may prescribe,  
27 including, but not limited to:

28 (a) The applicant's financial condition;

29 (b) The qualifications and business history of the applicant and of  
30 its officers, directors, shareholders, partners, or members;

31 (c) Whether the applicant or any of its officers, directors,  
1 shareholders, partners, or members have ever been convicted of any (i)  
2 misdemeanor involving any aspect of a delayed deposit services business  
3 or any business of a similar nature or (ii) felony;

4 (d) Whether the applicant or any of its officers, directors,  
5 shareholders, partners, or members have ever been permanently or  
6 temporarily enjoined by a court of competent jurisdiction from engaging  
7 in or continuing any conduct or practice involving any aspect of a  
8 delayed deposit services business or any business of a similar nature;

9 (e) A description of the applicant's proposed method of doing  
10 business; and

11 (f) If the applicant is an individual, the applicant's social  
12 security number.

13 (2) The director shall cause a criminal history record information  
14 check to be conducted of the applicant, its officers, directors,  
15 shareholders, partners, or members as provided in subsection (1) of  
16 section 6 of this act. The direct cost of the criminal history record  
17 information check shall be paid by the applicant.

18 Sec. 4. Section 45-906, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 45-906 The application required by section 45-905 shall be  
21 accompanied by:

22 (1) A nonrefundable application fee of five hundred dollars and any  
23 processing fee allowed under subsection (2) of section 6 of this act; and

24 (2) A surety bond in the sum of fifty thousand dollars to be  
25 executed by the licensee and a surety company authorized to do business  
26 in Nebraska and approved by the director conditioned for the faithful  
27 performance by the licensee of the duties and obligations pertaining to  
28 the delayed deposit services business so licensed and the prompt payment  
29 of any judgment recovered against the licensee. The bond or a substitute  
30 bond shall remain in effect during all periods of licensing or the  
31 licensee shall immediately cease doing business and its license shall be  
1 surrendered to or canceled by the department. A surety may cancel a bond  
2 only upon thirty days' written notice to the director.

3 The director may at any time require the filing of a new or  
4 supplemental bond in the form as provided in subdivision (2) of this  
5 section if he or she determines that the bond filed under this section is  
6 exhausted or is inadequate for any reason, including, but not limited to,  
7 the financial condition of the licensee or the applicant for a license,  
8 or violations of the Delayed Deposit Services Licensing Act, any rule,  
9 regulation, or order thereunder, or any state or federal law applicable  
10 to the licensee or applicant for a license. The new or supplemental bond  
11 shall not exceed one hundred thousand dollars.

12 Sec. 5. Nothing in the Delayed Deposit Services Licensing Act shall  
13 prevent a licensee from acquiring a license under the Nebraska  
14 Installment Loan Act.

15 Sec. 6. (1) Licensees under the Delayed Deposit Services Licensing

16 Act are required to be licensed and registered through the Nationwide  
17 Mortgage Licensing System and Registry. In order to carry out this  
18 requirement, the department is authorized to participate in the  
19 Nationwide Mortgage Licensing System and Registry. For this purpose, the  
20 department may establish requirements as necessary by adopting and  
21 promulgating rules and regulations or by order. The requirements may  
22 include, but are not limited to:  
23 (a) Background checks of applicants and licensees, including, but  
24 not limited to:  
25 (i) Fingerprints of any principal officer, director, partner,  
26 member, or sole proprietor submitted to the Federal Bureau of  
27 Investigation and any other governmental agency or entity authorized to  
28 receive such information for a state, national, and international  
29 criminal history record information check;  
30 (ii) Checks of civil or administrative records;  
31 (iii) Checks of an applicant's or a licensee's credit history; or  
1 (iv) Any other information as deemed necessary by the director;  
2 (b) The payment of fees to apply for or renew a license through the  
3 Nationwide Mortgage Licensing System and Registry;  
4 (c) The setting or resetting, as necessary, of renewal processing or  
5 reporting dates; and  
6 (d) Amending or surrendering a license or any other such activities  
7 as the director deems necessary for participation in the Nationwide  
8 Mortgage Licensing System and Registry.  
9 (2) In order to fulfill the purposes of the Delayed Deposit Services  
10 Licensing Act, the department may contract with the Nationwide Mortgage  
11 Licensing System and Registry or other entities designated by the  
12 Nationwide Mortgage Licensing System and Registry to collect and maintain  
13 records and process transaction fees or other fees related to licensees  
14 or other persons subject to the act. The department may allow such system  
15 to collect licensing fees on behalf of the department and may allow such  
16 system to collect a processing fee for the services of the system  
17 directly from each licensee or applicant.  
18 (3) The director shall regularly report enforcement actions and  
19 other relevant information to the Nationwide Mortgage Licensing System  
20 and Registry.  
21 (4) The director shall establish a process whereby applicants and  
22 licensees may challenge information entered by the director into the  
23 Nationwide Mortgage Licensing System and Registry.  
24 (5) The department shall ensure that the Nationwide Mortgage  
25 Licensing System and Registry adopts a privacy, data security, and breach  
26 of security of the system notification policy. The director shall make  
27 available upon written request a copy of such policy and the contract  
28 between the department and the system.  
29 (6) Upon written request the department shall provide the most  
30 recently available audited financial report of the Nationwide Mortgage  
31 Licensing System and Registry.  
1 (7) In order to reduce the points of contact which the Federal  
2 Bureau of Investigation may have to maintain for purposes of subsection

3 (5) of this section, the director may use the Nationwide Mortgage  
4 Licensing System and Registry as a channeling agent for requesting  
5 information from and distributing information to the United States  
6 Department of Justice or any other governmental agency.

7 Sec. 7. Section 45-910, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 45-910 (1) A license issued pursuant to the Delayed Deposit Services  
10 Licensing Act shall be conspicuously posted at the licensee's place of  
11 business.

12 (2)(a) Until the effective date of this act, all ~~(2)~~ All licenses  
13 shall remain in effect until the next succeeding May 1, unless earlier  
14 canceled, suspended, or revoked by the director pursuant to section  
15 45-922 or surrendered by the licensee pursuant to section 45-911.

16 (b) A license issued on or after May 1, 2019, and on or before  
17 December 31, 2019, shall remain in full force and effect until December  
18 31, 2020, unless earlier canceled, suspended, or revoked by the director  
19 pursuant to section 45-922 or surrendered by the licensee pursuant to  
20 section 45-911. A license issued on or after January 1, 2020, shall  
21 remain in full force and effect until the next succeeding December 31,  
22 unless earlier canceled, suspended, or revoked by the director pursuant  
23 to section 45-922 or surrendered by the licensee pursuant to section  
24 45-911.

25 (3) Licenses may be renewed annually by filing with the director (a)  
26 a renewal fee consisting of five hundred dollars and any processing fee  
27 allowed under subsection (2) of section 6 of this act for the main office  
28 location and five hundred dollars and any processing fee allowed under  
29 subsection (2) of section 6 of this act for each branch office location  
30 and (b) an application for renewal in writing through the Nationwide  
31 Mortgage Licensing System and Registry containing such information as the  
1 director may require to indicate any material change in the information  
2 contained in the original application or succeeding renewal applications.

3 Sec. 8. Section 45-912, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 45-912 A licensee shall be required to notify the director in  
6 writing through the Nationwide Mortgage Licensing System and Registry  
7 within thirty days after the occurrence of any material development,  
8 including, but not limited to:

9 (1) Bankruptcy or corporate reorganization;

10 (2) Business reorganization;

11 (3) Institution of license revocation procedures by any other state  
12 or jurisdiction;

13 (4) The filing of a criminal indictment or complaint against the  
14 licensee or any of its officers, directors, shareholders, partners,  
15 members, employees, or agents;

16 (5) A felony conviction against the licensee or any of the  
17 licensee's officers, directors, shareholders, partners, members,  
18 employees, or agents; or

19 (6) The termination of employment or association with the licensee  
20 of any of the licensee's officers, directors, shareholders, partners,

21 members, employees, or agents for violations or suspected violations of  
22 the Delayed Deposit Services Licensing Act, any rule, regulation, or  
23 order thereunder, or any state or federal law applicable to the licensee.

24 Sec. 9. Section 45-915, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 45-915 (1) Except as provided in subsection (2) of this section, a  
27 licensee may offer a delayed deposit services business only at an office  
28 designated as its principal place of business in the application. A  
29 licensee may change the location of its designated principal place of  
30 business with the prior written approval of the director. The director  
31 may establish forms and procedures for determining whether the change of  
1 location should be approved. A fee of one hundred fifty dollars and any  
2 processing fee allowed under subsection (2) of section 6 of this act  
3 shall be submitted with each request made pursuant to this subsection.

4 (2) A licensee may offer a delayed deposit services business online  
5 under the Delayed Deposit Services Licensing Act, so long as the licensee  
6 designates at least one principal place of business within this state. A  
7 fee of five hundred dollars and any processing fee allowed under  
8 subsection (2) of section 6 of this act shall be submitted with each  
9 request made pursuant to this subsection ~~operate branch offices only in~~  
10 ~~the same county in which the licensee's designated principal place of~~  
11 ~~business is located. The licensee may establish a branch office or change~~  
12 ~~the location of a branch office with the prior written approval of the~~  
13 ~~director. The director may establish forms and procedures for determining~~  
14 ~~whether an original branch or branches or a change of location of a~~  
15 ~~branch should be approved.~~

16 (3) A licensee may operate branch offices at any location in this  
17 state or change the location of a branch office with the prior written  
18 approval of the director. The director may establish forms and procedures  
19 for determining whether an original branch or change of location of a  
20 branch should be approved. A fee of one hundred fifty dollars and any  
21 processing fee allowed under ~~shall be paid to the director for each~~  
22 ~~request made pursuant to subsection (1) or (2) of this section~~ 6 of this  
23 act shall be submitted with each request made pursuant to this  
24 subsection.

25 Sec. 10. Section 45-1001, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 45-1001 Sections 45-1001 to 45-1070 and section 11 of this act shall  
28 be known and may be cited as the Nebraska Installment Loan Act.

29 Sec. 11. Nothing in the Nebraska Installment Loan Act shall prevent  
30 a licensee from acquiring a license under the Delayed Deposit Services  
31 Licensing Act.

1 Sec. 12. Original sections 45-905, 45-906, 45-912, and 45-915,  
2 Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902,  
3 45-910, and 45-1001, Revised Statutes Cumulative Supplement, 2018, are  
4 repealed.

(Signed) Matt Williams, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 59.** Placed on General File with amendment.

AM622

1 1. On page 2, strike lines 29 through 31 and insert the following  
2 new subsection:

3 "(3) If an investigation is conducted under this section, an  
4 investigation report shall be issued within sixty days after the  
5 determination is made to conduct the investigation, except that the final  
6 investigation report may be issued within ninety days after such  
7 determination if an interim report is issued within sixty days after such  
8 determination.".

**LEGISLATIVE BILL 169.** Placed on General File with amendment.

AM710

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4 68-1017.02 (1)(a) The Department of Health and Human Services shall  
5 apply for and utilize to the maximum extent possible, within limits  
6 established by the Legislature, any and all appropriate options available  
7 to the state under the federal Supplemental Nutrition Assistance Program  
8 and regulations adopted under such program to maximize the number of  
9 Nebraska residents being served under such program within such limits.  
10 The department shall seek to maximize federal funding for such program  
11 and minimize the utilization of General Funds for such program and shall  
12 employ the personnel necessary to determine the options available to the  
13 state and issue the report to the Legislature required by subdivision (b)  
14 of this subsection.

15 (b) The department shall submit electronically an annual report to  
16 the Health and Human Services Committee of the Legislature by December 1  
17 on efforts by the department to carry out the provisions of this  
18 subsection. Such report shall provide the committee with all necessary  
19 and appropriate information to enable the committee to conduct a  
20 meaningful evaluation of such efforts. Such information shall include,  
21 but not be limited to, a clear description of various options available  
22 to the state under the federal Supplemental Nutrition Assistance Program,  
23 the department's evaluation of and any action taken by the department  
24 with respect to such options, the number of persons being served under  
25 such program, and any and all costs and expenditures associated with such  
26 program.

27 (c) The Health and Human Services Committee of the Legislature,  
1 after receipt and evaluation of the report required in subdivision (b) of  
2 this subsection, shall issue recommendations to the department on any  
3 further action necessary by the department to meet the requirements of  
4 this section.

5 (2)(a) The department shall develop a state outreach plan to promote  
6 access by eligible persons to benefits of the Supplemental Nutrition  
7 Assistance Program. The plan shall meet the criteria established by the

8 Food and Nutrition Service of the United States Department of Agriculture  
9 for approval of state outreach plans. The Department of Health and Human  
10 Services may apply for and accept gifts, grants, and donations to develop  
11 and implement the state outreach plan.

12 (b) For purposes of developing and implementing the state outreach  
13 plan, the department shall partner with one or more counties or nonprofit  
14 organizations. If the department enters into a contract with a nonprofit  
15 organization relating to the state outreach plan, the contract may  
16 specify that the nonprofit organization is responsible for seeking  
17 sufficient gifts, grants, or donations necessary for the development and  
18 implementation of the state outreach plan and may additionally specify  
19 that any costs to the department associated with the award and management  
20 of the contract or the implementation or administration of the state  
21 outreach plan shall be paid out of private or federal funds received for  
22 development and implementation of the state outreach plan.

23 (c) The department shall submit the state outreach plan to the Food  
24 and Nutrition Service of the United States Department of Agriculture for  
25 approval on or before August 1, 2011, and shall request any federal  
26 matching funds that may be available upon approval of the state outreach  
27 plan. It is the intent of the Legislature that the State of Nebraska and  
28 the Department of Health and Human Services use any additional public or  
29 private funds to offset costs associated with increased caseload  
30 resulting from the implementation of the state outreach plan.

31 (d) The department shall be exempt from implementing or  
1 administering a state outreach plan under this subsection, but not from  
2 developing such a plan, if it does not receive private or federal funds  
3 sufficient to cover the department's costs associated with the  
4 implementation and administration of the plan, including any costs  
5 associated with increased caseload resulting from the implementation of  
6 the plan.

7 (3)(a)(i) On or before October 1, 2011, the department shall create  
8 a TANF-funded program or policy that, in compliance with federal law,  
9 establishes categorical eligibility for federal food assistance benefits  
10 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
11 number of Nebraska residents being served under such program in a manner  
12 that does not increase the current gross income eligibility limit.

13 (ii) Such TANF-funded program or policy shall eliminate all asset  
14 limits for eligibility for federal food assistance benefits, except that  
15 the total of liquid assets which includes cash on hand and funds in  
16 personal checking and savings accounts, money market accounts, and share  
17 accounts shall not exceed twenty-five thousand dollars pursuant to the  
18 Supplemental Nutrition Assistance Program, as allowed under federal law  
19 and under 7 C.F.R. 273.2(j)(2).

20 (iii) This subsection becomes effective only if the department  
21 receives funds pursuant to federal participation that may be used to  
22 implement this subsection.

23 (b) For purposes of this subsection:

24 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
25 U.S.C. 2011 et seq., and regulations adopted under the act; and

26 (ii) TANF means the federal Temporary Assistance for Needy Families  
 27 program established in 42 U.S.C. 601 et seq.  
 28 (4)(a) As authorized under 21 U.S.C. 862a(d) Within the limits  
 29 ~~specified in this subsection~~, the State of Nebraska opts out of the  
 30 provision of the federal Personal Responsibility and Work Opportunity  
 31 Reconciliation Act of 1996, as such act existed on January 1, 2009, that  
 1 eliminates eligibility for the Supplemental Nutrition Assistance Program  
 2 for any person convicted of a felony involving the possession, use, or  
 3 distribution of a controlled substance.  
 4 (b) A person convicted of a felony involving the possession, use, or  
 5 distribution of a controlled substance shall only be eligible for  
 6 Supplemental Nutrition Assistance Program benefits if such person (i) has  
 7 completed her or his sentence for such felony, including any term of  
 8 parole, probation, or post-release supervision, or (ii) is serving a term  
 9 of parole, probation, or post-release supervision for such felony A  
 10 ~~person shall be ineligible for Supplemental Nutrition Assistance Program~~  
 11 ~~benefits under this subsection if he or she (i) has had three or more~~  
 12 ~~felony convictions for the possession or use of a controlled substance or~~  
 13 ~~(ii) has been convicted of a felony involving the sale or distribution of~~  
 14 ~~a controlled substance or the intent to sell or distribute a controlled~~  
 15 ~~substance. A person with one or two felony convictions for the possession~~  
 16 ~~or use of a controlled substance shall only be eligible to receive~~  
 17 ~~Supplemental Nutrition Assistance Program benefits under this subsection~~  
 18 ~~if he or she is participating in or has completed a state licensed or~~  
 19 ~~nationally accredited substance abuse treatment program since the date of~~  
 20 ~~conviction. The determination of such participation or completion shall~~  
 21 ~~be made by the treatment provider administering the program.~~

**LEGISLATIVE BILL 332.** Placed on General File with amendment.

AM629

1 1. Strike original sections 3 and 4 and insert the following new  
 2 section:  
 3 Sec. 3. Section 43-4504, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 43-4504 The bridge to independence program is available, on a  
 6 voluntary basis, to a young adult:  
 7 (1) Who has attained at least nineteen years of age;  
 8 (2) Who was adjudicated to be a juvenile described in subdivision  
 9 (3)(a) of section 43-247 or the equivalent under tribal law or who was  
 10 adjudicated to be a juvenile described in subdivision (8) of section  
 11 43-247 or the equivalent under tribal law if the young adult's  
 12 guardianship was disrupted or terminated after he or she had attained the  
 13 age of sixteen years and who (a) upon attaining nineteen years of age,  
 14 was in an out-of-home placement or had been discharged to independent  
 15 living or (b) with respect to whom a kinship guardianship assistance  
 16 agreement or an adoption assistance agreement was in effect pursuant to  
 17 42 U.S.C. 673 if the young adult had attained sixteen years of age before  
 18 the agreement became effective or with respect to whom a state-funded  
 19 guardianship assistance agreement or a state-funded adoption assistance

20 agreement was in effect if the young adult had attained sixteen years of  
 21 age before the agreement became effective; ~~and~~  
 22 (3) Who is:  
 23 (a) Completing secondary education or an educational program leading  
 24 to an equivalent credential;  
 25 (b) Enrolled in an institution which provides postsecondary or  
 26 vocational education;  
 27 (c) Employed for at least eighty hours per month;  
 1 (d) Participating in a program or activity designed to promote  
 2 employment or remove barriers to employment; or  
 3 (e) Incapable of doing any of the activities described in  
 4 subdivisions (3)(a) through (d) of this section due to a medical  
 5 condition, which incapacity is supported by regularly updated information  
 6 in the case plan of the young adult; -  
 7 (4) Who is a Nebraska resident, except that this requirement shall  
 8 not disqualify a young adult who was a Nebraska resident but was placed  
 9 outside Nebraska pursuant to the Interstate Compact for the Placement of  
 10 Children; and  
 11 (5) Who is not covered under a home and community-based services  
 12 waiver.  
 13 The changes made to subdivision (2)(b) of this section by Laws 2015,  
 14 LB243, become operative on July 1, 2015.  
 15 2. Renumber the remaining sections and correct the repealer  
 16 accordingly.

(Signed) Sara Howard, Chairperson

Revenue

**LEGISLATIVE BILL 663.** Placed on General File.

**LEGISLATIVE BILL 237.** Placed on General File with amendment.  
 AM676 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Clements filed the following amendment to LB452:  
 AM206

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 13-1901, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 13-1901 (1) There are hereby created nine Nebraska planning and  
 6 development regions as follows:  
 7 (a) ~~(1)~~ Region 1 includes the counties of Sioux, Dawes, Sheridan,  
 8 Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and  
 9 Deuel;

- 10 ~~(b)~~ ~~(2)~~ Region 2 includes the counties of Cherry, Keya Paha, Boyd,  
 11 Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley,  
 12 Greeley, and Sherman;
- 13 ~~(c)~~ ~~(3)~~ Region 3 includes the counties of Grant, Hooker, Thomas,  
 14 Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes,  
 15 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas;
- 16 ~~(d)~~ ~~(4)~~ Region 4 includes the counties of Howard, Merrick, Buffalo,  
 17 Hall, Hamilton, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster,  
 18 and Nuckolls;
- 19 ~~(e)~~ ~~(5)~~ Region 5 includes the counties of Knox, Cedar, Dixon,  
 20 Antelope, Pierce, Wayne, Thurston, Boone, Madison, Stanton, Cuming, Burt,  
 21 Platte, Colfax, Dodge, and Nance;
- 22 ~~(f)~~ ~~(6)~~ Region 6 includes the counties of Polk, Butler, Saunders,  
 23 York, Seward, ~~Cass~~, Fillmore, Saline, Otoe, Thayer, Jefferson, Gage,  
 24 Johnson, Nemaha, Pawnee, and Richardson;
- 25 ~~(g)~~ ~~(7)~~ Region 7 includes the county of Lancaster;
- 26 ~~(h)~~ ~~(8)~~ Region 8 includes the counties of Washington, Douglas, ~~and~~  
 27 Sarpy, ~~and Cass~~; and
- 1 ~~(i)~~ ~~(9)~~ Region 9 includes the county of Dakota.
- 2 (2) In order to facilitate development of a process which will allow  
 3 for future changes to the boundaries of the Nebraska planning and  
 4 development regions, until July 1, 2020, a county, city, village, or  
 5 development district shall not engage in negotiations to change the  
 6 boundaries of the planning and development regions. This subsection does  
 7 not prohibit negotiations relating to implementation of the changes to  
 8 the boundaries made by this legislative bill.
- 9 Sec. 2. Original section 13-1901, Reissue Revised Statutes of  
 10 Nebraska, is repealed.

Senator Wayne filed the following amendment to LB496:  
 AM750

- 1 1. Strike the original sections and insert the following new  
 2 sections:
- 3 Section 1. Section 28-916.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:
- 5 28-916.01 As used in this section and sections 28-915, 28-915.01,  
 6 ~~and 28-919, and 28-922~~, unless the context otherwise requires:
- 7 (1) Administrative proceeding shall mean any proceeding, other than  
 8 a judicial proceeding, the outcome of which is required to be based on a  
 9 record or documentation prescribed by law, or in which law or regulation  
 10 is particularized in application to individuals;
- 11 (2) Benefit shall mean gain or advantage, or anything regarded by  
 12 the beneficiary as gain or advantage, including benefit to any other  
 13 person or entity in whose welfare he or she is interested, but not an  
 14 advantage promised generally to a group or class of voters as a  
 15 consequence of public measures which a candidate engages to support or  
 16 oppose;
- 17 (3) Government shall include any branch, subdivision, or agency of  
 18 the government of the state or any locality within it;

19 (4) Harm shall mean loss, disadvantage, or injury, or anything so  
 20 regarded by the person affected, including loss, disadvantage, or injury  
 21 to any other person or entity in whose welfare he or she is interested;

22 (5) Pecuniary benefit shall mean benefit in the form of money,  
 23 property, commercial interests, or anything else the primary significance  
 24 of which is economic gain;

25 (6) Public servant shall mean any officer or employee of government,  
 26 including legislators and judges, and any person participating as juror,  
 27 advisor, consultant, or otherwise, in performing a governmental function,  
 1 but the term shall not include witnesses;

2 (7) Official proceeding shall mean a proceeding heard or which may  
 3 be heard before any legislative, judicial, administrative, or other  
 4 governmental agency or official authorized to take evidence under oath,  
 5 including any referee, hearing examiner, commissioner, notary, or other  
 6 person taking testimony or deposition in connection with any such  
 7 proceeding; and

8 (8) Statement shall mean any representation, but shall include a  
 9 representation of opinion, belief, or other state of mind only if the  
 10 representation clearly relates to state of mind apart from or in addition  
 11 to any facts which are the subject of the representation.

12 Sec. 2. Section 28-919, Reissue Revised Statutes of Nebraska, is  
 13 amended to read:

14 28-919 (1) A person commits the offense of tampering with a witness  
 15 or informant if, believing that an official proceeding or investigation  
 16 of a criminal or civil matter is pending or about to be instituted, he or  
 17 she attempts to induce or otherwise cause a witness or informant to:  
 18 (a) Testify or inform falsely;  
 19 (b) Withhold any testimony, information, document, or thing;  
 20 (c) Elude legal process summoning him or her to testify or supply  
 21 evidence; or  
 22 (d) Absent himself or herself from any proceeding or investigation  
 23 to which he or she has been legally summoned.

24 (2) A person commits the offense of jury tampering if, with intent  
 25 to influence a juror's vote, opinion, decision, or other action in a  
 26 case, he or she attempts directly or indirectly to communicate with a  
 27 juror other than as a part of the proceedings in the trial of the case.

28 (3) Tampering with witnesses or informants is a Class IV felony,  
 29 except that if such offense involves a pending criminal proceeding which  
 30 alleges a violation of another offense classified: -  
 31 (a) As a Class II misdemeanor or a lower classification, the offense  
 1 is a Class I misdemeanor; or  
 2 (b) As a Class II felony or a higher classification, the offense is  
 3 a Class II felony.

4 (4) Jury tampering is a Class IV felony, except that if such offense  
 5 involves a pending criminal proceeding which alleges a violation of  
 6 another offense classified as a Class I, IA, IB, IC, ID, or II felony,  
 7 the offense is a Class II felony.

8 Sec. 3. Section 28-922, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 28-922 (1) A person commits the offense of tampering with physical  
 11 evidence if, believing that an official proceeding is pending or about to  
 12 be instituted and acting without legal right or authority, he or she:  
 13 (a) Destroys, mutilates, conceals, removes, or alters physical  
 14 evidence with the intent to impair its verity or availability in the  
 15 pending or prospective official proceeding; or  
 16 (b) Knowingly makes, presents, or offers any false physical evidence  
 17 with intent that it be introduced in the pending or prospective official  
 18 proceeding.

19 (2) Physical evidence, as used in this section, shall mean any  
 20 article, object, document, record, or other thing of physical substance.

21 (3) Tampering with physical evidence is a Class IV felony, except  
 22 that if such offense involves a pending criminal proceeding which alleges  
 23 a violation of another offense classified: -  
 24 (a) As a Class II misdemeanor or a lower classification, the offense  
 25 is a Class I misdemeanor; or  
 26 (b) As a Class II felony or a higher classification, the offense is  
 27 a Class II felony.

28 Sec. 4. Section 29-1912, Reissue Revised Statutes of Nebraska, is  
 29 amended to read:

30 29-1912 (1) When a defendant is charged with a felony or when a  
 31 defendant is charged with a misdemeanor or a violation of a city or  
 1 village ordinance for which imprisonment is a possible penalty, he or she  
 2 may request the court where the case is to be tried, at any time after  
 3 the filing of the indictment, information, or complaint, to order the  
 4 prosecuting attorney to permit the defendant to inspect and copy or  
 5 photograph:

6 (a) The defendant's statement, if any. For purposes of this  
 7 subdivision, statement includes any of the following which relate to the  
 8 investigation of the underlying charge or charges in the case and which  
 9 were developed or received by law enforcement agencies:  
 10 (i) Written or recorded statements;  
 11 (ii) Written summaries of oral statements; and  
 12 (iii) The substance of oral statements means a written statement  
 13 made by the defendant and signed or otherwise adopted or approved by him  
 14 or her, or a stenographic, mechanical, electrical, or other recording, or  
 15 a transcription thereof, which is a substantially verbatim recital of an  
 16 oral statement made by the defendant to an agent of the prosecution,  
 17 state, or political subdivision thereof, and recorded contemporaneously  
 18 with the making of such oral statement;  
 19 (b) The defendant's prior criminal record, if any;  
 20 (c) The defendant's recorded testimony before a grand jury;  
 21 (d) The names and addresses of witnesses on whose evidence the  
 22 charge is based;  
 23 (e) The results and reports, in any form, of physical or mental  
 24 examinations, and of scientific tests, or experiments made in connection  
 25 with the particular case, or copies thereof;  
 26 (f) Documents, papers, books, accounts, letters, photographs,  
 27 objects, or other tangible things of whatsoever kind or nature which

28 could be used as evidence by the prosecuting authority;  
29 (g) Reports developed or received by law enforcement agencies when  
30 such reports directly relate to the investigation of the underlying  
31 charge or charges in the case;  
1 (h) ~~(g)~~ The known criminal history of a jailhouse witness;  
2 (i) ~~(h)~~ Any deal, promise, inducement, or benefit that the  
3 prosecuting attorney or any person acting on behalf of the prosecuting  
4 attorney has knowingly made or may make in the future to the jailhouse  
5 witness;  
6 (j) ~~(i)~~ The specific statements allegedly made by the defendant  
7 against whom the jailhouse witness will testify and the time, place, and  
8 manner of the defendant's disclosures;  
9 (k) ~~(j)~~ The case name and jurisdiction of any criminal cases known  
10 to the prosecuting attorney in which a jailhouse witness testified about  
11 statements made by another criminal defendant that were disclosed to the  
12 jailhouse witness while he or she was a jailhouse witness and whether the  
13 jailhouse witness received any deal, promise, inducement, or benefit in  
14 exchange for or subsequent to such testimony; and  
15 (l) ~~(k)~~ Any occasion known to the prosecuting attorney in which the  
16 jailhouse witness recanted testimony about statements made by another  
17 criminal defendant that were disclosed to the jailhouse witness while he  
18 or she was a jailhouse witness and, if any are known, a transcript or  
19 copy of such recantation.  
20 (2) The court may issue such an order pursuant to the provisions of  
21 this section. In the exercise of its judicial discretion, the court shall  
22 consider, among other things, whether:  
23 (a) The request is material to the preparation of the defense;  
24 (b) The request is not made primarily for the purpose of harassing  
25 the prosecution or its witnesses;  
26 (c) The request, if granted, would not unreasonably delay the trial  
27 of the offense and an earlier request by the defendant could not have  
28 reasonably been made;  
29 (d) There is no substantial likelihood that the request, if granted,  
30 would preclude a just determination of the issues at the trial of the  
31 offense; or  
1 (e) The request, if granted, would not result in the possibility of  
2 bodily harm to, or coercion of, witnesses.  
3 (3) Whenever the court refuses to grant an order pursuant to the  
4 provisions of this section, it shall render its findings in writing  
5 together with the facts upon which the findings are based.  
6 (4) Whenever the prosecuting attorney believes that the granting of  
7 an order under the provisions of this section will result in the  
8 possibility of bodily harm to witnesses or that witnesses will be  
9 coerced, the court may permit him or her to make such a showing in the  
10 form of a written statement to be inspected by the court alone. The  
11 statement shall be sealed and preserved in the records of the court to be  
12 made available to the appellate court in the event of an appeal by the  
13 defendant.  
14 (5) For purposes of ~~subdivisions (1)(g) through (k)~~ of this section,

15 jailhouse witness means a person in the physical custody of any jail or  
16 correctional institution as (a) an accused defendant, (b) a convicted  
17 defendant awaiting sentencing, or (c) a convicted defendant serving a  
18 sentence of incarceration, at the time the statements the jailhouse  
19 witness will testify about were disclosed.

20 Sec. 5. Section 29-1914, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 29-1914 Whenever an order is issued pursuant to the provisions of  
23 section 29-1912 or 29-1913, it shall be limited to items or information  
24 that:

25 (1) Directly relate to the investigation of the underlying charge or  
26 charges in the case;

27 (2) Are within the possession, custody, or control of the state or  
28 local subdivisions of government; and, the existence of which is known

29 (3) Are known to exist by the prosecution or that, by the exercise  
30 of due diligence, may become known to the prosecution.

31 Sec. 6. Section 29-1916, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 29-1916 (1) Whenever the court issues an order pursuant to the  
3 provisions of sections 29-1912 and 29-1913, the court may condition its  
4 order by requiring the defendant to grant the prosecution like access to  
5 comparable items or information included within the defendant's request  
6 which:

7 (a) Are in the possession, custody, or control of the defendant;

8 (b) The defendant intends to produce at the trial; and

9 (c) Are material to the preparation of the prosecution's case.

10 (2) Whenever a defendant is granted an order under ~~the provisions of~~  
11 sections 29-1912 to 29-1921, the defendant he shall be deemed to have  
12 waived the his privilege of self-incrimination for the purposes of the  
13 operation of the provisions of this section.

14 Sec. 7. Section 29-1917, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-1917 (1) Except as provided in section 29-1926, at any time after  
17 the filing of an indictment or information in a felony prosecution, the  
18 prosecuting attorney or the defendant may request the court to allow the  
19 taking of a deposition of any person other than the defendant who may be  
20 a witness in the trial of the offense. The court may order the taking of  
21 the deposition when it finds the testimony of the witness:

22 (a) May be material or relevant to the issue to be determined at the  
23 trial of the offense; or

24 (b) May be of assistance to the parties in the preparation of their  
25 respective cases.

26 (2) An order granting the taking of a deposition shall include the  
27 time and place for taking such deposition and such other conditions as  
28 the court determines to be just.

29 (3) The proceedings in taking the deposition of a witness pursuant  
30 to this section and returning it to the court shall be governed in all  
31 respects as the taking of depositions in civil cases, including section  
1 25-1223.

2 (4) A deposition taken pursuant to this section may be used at the  
3 trial by any party solely for the purpose of contradicting or impeaching  
4 the testimony of the deponent as a witness.

5 Sec. 8. Section 29-1918, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-1918 If, subsequent to compliance with an order for discovery  
8 under the provisions of sections 29-1912 to 29-1921, and prior to or  
9 during trial, a party discovers additional material which ~~the party he~~  
10 would have been under a duty to disclose or produce at the time of such  
11 previous compliance, ~~the party he~~ shall promptly notify the other party  
12 or ~~the other party's~~ his attorney and the court of the existence of the  
13 additional material. Such notice shall be given at the time of the  
14 discovery of such additional material.

15 Sec. 9. Section 29-1919, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 29-1919 If, at any time during the course of the proceedings it is  
18 brought to the attention of the court that a party has failed to comply  
19 with ~~the provisions of~~ sections 29-1912 to 29-1921 or an order issued  
20 pursuant to ~~the provisions of~~ sections 29-1912 to 29-1921, the court may:

21 (1) Order such party to permit the discovery or inspection of  
22 materials not previously disclosed;

23 (2) Grant a continuance;

24 (3) Prohibit the party from calling a witness not disclosed or  
25 introducing in evidence the material not disclosed; or

26 (4) Enter such other order as it deems just under the circumstances.

27 Sec. 10. Section 29-1923, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 29-1923 If, subsequent to compliance with an order issued pursuant  
30 to section 29-1922, and prior to or during trial, the prosecuting  
31 authority discovers any additional statement made by the defendant or the  
1 name of any eyewitness who has identified the defendant at a lineup or  
2 showup previously requested or ordered which is subject to discovery or  
3 inspection under section 29-1922, he or she shall promptly notify the  
4 defendant or his or her attorney or the court of the existence of this  
5 additional material. Such notice shall be given at the time of the  
6 discovery of such additional material. If at any time during the course  
7 of the proceedings it is brought to the attention of the court that the  
8 prosecuting authority has failed to comply with this section or with an  
9 order issued pursuant to section 29-1922, the court may order the  
10 prosecuting authority to permit the discovery or inspection of materials  
11 or witnesses not previously disclosed, grant a continuance, or prohibit  
12 the prosecuting authority from introducing in evidence the material or  
13 the testimony of the witness or witnesses not disclosed, or it may enter  
14 such other order as it deems just under the circumstances.

15 Sec. 11. Section 29-1924, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 29-1924 For purposes of ~~The term statement as used in~~ sections  
18 29-1922 and 29-1923, statement made by the defendant includes any of the  
19 following statements made by the defendant which relate to the

20 investigation of the underlying charge or charges in the case and which  
 21 were developed or received by law enforcement agencies:  
 22 (1) Written or recorded statements;  
 23 (2) Written summaries of oral statements; and  
 24 (3) The substance of oral statements shall mean (1) a written  
 25 statement made by such defendant and signed or otherwise adopted or  
 26 approved by him or her; or (2) a stenographic, mechanical, electrical, or  
 27 other recording, or a transcription thereof, which is a substantially  
 28 verbatim recital of an oral statement made by such defendant to a peace  
 29 officer or prosecuting authority and recorded contemporaneously with the  
 30 making of such oral statement.  
 31 Sec. 12. Original sections 28-916.01, 28-919, 28-922, 29-1912,  
 1 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924,  
 2 Reissue Revised Statutes of Nebraska, are repealed.

Senator Erdman filed the following amendment to LB334:  
 AM742

1 1. On page 8, strike beginning with "The" in line 17 through line 19  
 2 and insert "The department shall contract with an organization or entity  
 3 to carry out the requirements of this subsection and shall issue a  
 4 request for proposals for such contract.".

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

- Beaurivage, Frances - Commission for the Deaf and Hard of Hearing - Health and Human Services
- Lutz, Susan - Nebraska Commission on Problem Gambling - General Affairs
- Patterson, James - Nebraska Commission on Problem Gambling - General Affairs
- Shaw, Sandra - Commission for the Deaf and Hard of Hearing - Health and Human Services
- Waddle, Christopher - State Personnel Board - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson  
 Executive Board

**ANNOUNCEMENT(S)**

Priority designation(s) received:

- Gragert - LB243
- Bostelman - LB698

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

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

Senator Kolterman name added to LB15.

Senator Dorn name added to LB15.

Senator M. Hansen name added to LB217.

Senator McCollister name added to LB535.

Senator Pansing Brooks name added to LB535.

**VISITOR(S)**

Visitors to the Chamber were students from Waverly Intermediate School; students and teachers from Norris Elementary School, Millard; students from Medicine Valley Elementary School, Curtis; students and teachers from Lothrop Elementary School, Omaha; and Stacey and Loretta Latimer from Aurora.

The Doctor of the Day was Dr. Brett Wergin from Fairbury.

**ADJOURNMENT**

At 11:47 a.m., on a motion by Senator La Grone, the Legislature adjourned until 9:00 a.m., Monday, March 18, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-THIRD DAY - MARCH 18, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 18, 2019

**PRAYER**

The prayer was offered by Pastor Kent Rogers, Grace United Methodist Church, Hastings.

**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 Bolz, Briese, Howard, Morfeld, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 15, 2019, at 12:00 p.m. were the following: LBs 8, 16, 29, 48, 112, 112A, 116, 124e, 125, 127, 139, 145, 156, 160, 195, 224, 284e, 302e, 319, 384, 486, 575, 660e, 660Ae, and 699.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 43.** Introduced by Kolterman, 24.

WHEREAS, the women's basketball team of Concordia University won the 2019 National Association of Intercollegiate Athletics (NAIA) Division II Women's Basketball National Championship with a season record of 38-3; and

WHEREAS, the Concordia Bulldogs defeated the Southeastern University Fire with a score of 67-59; and

WHEREAS, the title victory is the first for Concordia University women's basketball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the students of Concordia University.

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

1. That the Legislature congratulates the Concordia University women's basketball team for an outstanding season and for winning the 2019 NAIA Division II national championship title.

2. That a copy of this resolution be sent to Concordia University and Coach Drew Olson.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Kolterman, 24.

WHEREAS, Luke Daniel Landkamer, a member of Troop 290 of Milford, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Luke displayed his commitment to community service by replacing and improving the flag pole at Milford High School's track and football field; and

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

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

1. That the Legislature congratulates Luke Daniel Landkamer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Daniel Landkamer.

Laid over.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 39 and 40 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 39 and 40.

**MOTION(S) - Confirmation Report(s)**

Senator Halloran moved the adoption of the Agriculture Committee reports for the confirmation of the following appointment(s) found on pages 833 and 834:

- Nebraska State Fair Board
- Chris Kircher
- Dawn Caldwell
- Jeremy Jensen

Voting in the affirmative, 40:

Albrecht	Clements	Groene	Kolterman	Pansing Brooks
Arch	Crawford	Halloran	La Grone	Quick
Blood	DeBoer	Hansen, B.	Lathrop	Scheer
Bostelman	Dorn	Hilgers	Linehan	Slama
Brandt	Erdman	Hilkemann	Lowe	Stinner
Brewer	Friesen	Hughes	McCollister	Vargas
Cavanaugh	Geist	Hunt	McDonnell	Williams
Chambers	Gragert	Kolowski	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.	Lindstrom	Moser	Wayne
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Excused and not voting, 5:

Bolz	Briese	Howard	Morfeld	Walz
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The appointments were confirmed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Title read. Considered.

Committee AM287, found on page 808, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Wednesday, March 27, 2019 1:30 p.m.

Agency 3 - Legislative Council (cancel)

Room 1524

Tuesday, March 26, 2019 1:30 p.m.

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Scheer - LB481

Walz - LB570

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 48, 112, 112A, 116, 125, 145, 224, 384, 486, 575, 660, and 660A.

(Signed) Matt Hansen

**GENERAL FILE****LEGISLATIVE BILL 511.** Title read. Considered.

Committee AM672, found on page 799, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 34.** Title read. Considered.

Committee AM591, found on page 801, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

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

**LEGISLATIVE BILL 348.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 405.** Title read. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

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

Voting in the affirmative, 25:

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

Voting in the negative, 8:

Albrecht	Clements	Friesen	Lowe
Brewer	Erdman	Groene	Moser

Present and not voting, 14:

Arch	Briese	Hansen, B.	La Grone	Murman
Bostelman	Geist	Hilgers	Lindstrom	Slama
Brandt	Halloran	Hughes	Linehan	

Absent and not voting, 1:

McDonnell

Excused and not voting, 1:

Gragert

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 130.** Title read. Considered.

Committee AM298, found on page 567, was offered.

Senator Wayne moved for a call of the house. The motion prevailed with 13

ayes, 2 nays, and 34 not voting.

The committee amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator DeBoer moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Senator DeBoer requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 35:

Blood	DeBoer	Howard	Linehan	Scheer
Bolz	Dorn	Hunt	McCollister	Slama
Bostelman	Friesen	Kolowski	McDonnell	Vargas
Brandt	Halloran	Kolterman	Morfeld	Walz
Cavanaugh	Hansen, B.	La Grone	Moser	Wayne
Chambers	Hansen, M.	Lathrop	Pansing Brooks	Williams
Crawford	Hilkemann	Lindstrom	Quick	Wishart

Voting in the negative, 5:

Albrecht	Briese	Clements	Erdman	Lowe
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Present and not voting, 5:

Arch	Geist	Hilgers	Hughes	Murman
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Excused and not voting, 4:

Brewer	Gragert	Groene	Stinner
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Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 130A.** Title read. Considered.

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

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 570A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 600.** Placed on General File.

**LEGISLATIVE BILL 713.** Placed on General File.

**LEGISLATIVE BILL 566.** Placed on General File with amendment.  
AM454

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. The Department of Insurance shall notify the chairperson  
3 and members of the Banking, Commerce and Insurance Committee of the  
4 Legislature prior to submitting any request or application to the Centers  
5 for Medicare and Medicaid Services of the United States Department of  
6 Health and Human Services for a state innovation waiver under section  
7 1332 of the federal Patient Protection and Affordable Care Act. Such  
8 notification shall be made electronically and shall include a copy of the  
9 application for the federal waiver. The Banking, Commerce and Insurance  
10 Committee of the Legislature shall hold a public hearing on such waiver  
11 application.

(Signed) Mike Hilgers, Chairperson

Judiciary

**LEGISLATIVE BILL 44.** Placed on General File.

**LEGISLATIVE BILL 231.** Placed on General File.

**LEGISLATIVE BILL 352.** Placed on General File with amendment.  
AM761

1 1. Strike original sections 6 and 8 and insert the following new  
2 sections:  
3 Sec. 6. If a jailhouse informant receives leniency related to a  
4 pending charge, a conviction, or a sentence for a crime against a victim  
5 as defined in section 29-119, in connection with offering or providing  
6 testimony against a suspect or defendant, the prosecutor shall notify  
7 such victim. Prior to reaching a plea agreement, the prosecutor shall  
8 proceed as provided in subsection (1) of section 23-1201. For purposes of  
9 this section, leniency means any plea bargain, reduced or dismissed

10 charges, bail consideration, or reduction or modification of sentence.  
 11 Sec. 7. Upon motion of the defendant, the court shall conduct a  
 12 hearing to determine whether the testimony or statement of a jailhouse  
 13 informant should be admissible. The court may hear live testimony from  
 14 the jailhouse informant or may receive written statements or deposition  
 15 testimony from the jailhouse informant. The burden of proof shall be on  
 16 the state. If the court finds by a preponderance of the evidence that the  
 17 jailhouse informant's testimony or statement is significantly lacking in  
 18 reliability, the court shall not allow the testimony or statement to be  
 19 presented at trial. In making its determination under this section, the  
 20 court may consider:  
 21 (1) The factors enumerated in subsection (1) of section 5 of this  
 22 act;  
 23 (2) The relationship between the defendant and the jailhouse  
 24 informant, including the amount of time they were incarcerated in the  
 25 same jail or correctional institution or the same custodial section of a  
 26 jail or correctional institution;  
 27 (3) The substance, time, place, and manner of any statement  
 1 allegedly made by the defendant to the jailhouse informant, including the  
 2 names of all persons present when such statement was allegedly made;  
 3 (4) The substance, time, place, and manner of any statement given by  
 4 the jailhouse informant to law enforcement implicating the defendant in  
 5 the crime charged;  
 6 (5) All evidence corroborating the testimony or statement  
 7 implicating the defendant in the crime charged; and  
 8 (6) Any other factors related to reliability.  
 9 2. On page 2, line 1, strike "(1)"; and strike lines 6 through 9.  
 10 3. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**  
 Natural Resources

The Natural Resources 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.

Michael S. Thede - Nebraska Ethanol Board

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Jason D. Appelt - Niobrara Council  
 Lana S. Arrowsmith - Niobrara Council

Dallas D. Dodson - Niobrara Council  
Mary L. Mercure - Niobrara Council

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

General Affairs

The General Affairs 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.

Harry Hoch - Nebraska Liquor Control Commission

Aye: 6 Arch, Brandt, Briese, Lowe, Moser, Wayne. Nay: 1. Hunt. Absent: 0. Present and not voting: 1 Blood.

(Signed) Tom Briese, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 177.** Placed on General File with amendment.  
AM713

1 1. On page 2, lines 4 and 10, strike "2029" and insert "2024".

(Signed) Dan Hughes, Chairperson

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

Room 1510

Monday, March 25, 2019 1:30 p.m.

LB592  
LB682  
LB723

(Signed) Tom Briese, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Pansing Brooks - LB390

**GENERAL FILE**

**LEGISLATIVE BILL 409.** Title read. Considered.

Committee AM221, found on page 567, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

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

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

Senator Pansing Brooks name added to LB138.

Senator Moser name added to LB209.

**VISITOR(S)**

Visitors to the Chamber were students from St. Paul's Lutheran School, Beatrice; Kathy Seeman, Jean Stanzel, and Joanie and Emma Rhode from Omaha; and students from Weeping Water Public Schools.

**ADJOURNMENT**

At 11:41 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FOURTH DAY - MARCH 19, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 19, 2019

**PRAYER**

The prayer was offered by Pastor Gary Bennett, Red Cloud Bible Church.

**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 Howard, McCollister, Morfeld, Pansing Brooks, Scheer, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 496.** Placed on General File with amendment.  
AM787

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

2 sections:

3 Section 1. Section 28-916.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 28-916.01 As used in this section and sections 28-915, 28-915.01,

6 ~~and 28-919, and 28-922,~~ unless the context otherwise requires:

7 (1) Administrative proceeding shall mean any proceeding, other than  
8 a judicial proceeding, the outcome of which is required to be based on a  
9 record or documentation prescribed by law, or in which law or regulation  
10 is particularized in application to individuals;

11 (2) Benefit shall mean gain or advantage, or anything regarded by

12 the beneficiary as gain or advantage, including benefit to any other

13 person or entity in whose welfare he or she is interested, but not an

14 advantage promised generally to a group or class of voters as a

15 consequence of public measures which a candidate engages to support or

16 oppose;

17 (3) Government shall include any branch, subdivision, or agency of  
18 the government of the state or any locality within it;

19 (4) Harm shall mean loss, disadvantage, or injury, or anything so  
20 regarded by the person affected, including loss, disadvantage, or injury  
21 to any other person or entity in whose welfare he or she is interested;

22 (5) Pecuniary benefit shall mean benefit in the form of money,  
23 property, commercial interests, or anything else the primary significance  
24 of which is economic gain;

25 (6) Public servant shall mean any officer or employee of government,  
26 including legislators and judges, and any person participating as juror,  
27 advisor, consultant, or otherwise, in performing a governmental function,  
1 but the term shall not include witnesses;

2 (7) Official proceeding shall mean a proceeding heard or which may  
3 be heard before any legislative, judicial, administrative, or other  
4 governmental agency or official authorized to take evidence under oath,  
5 including any referee, hearing examiner, commissioner, notary, or other  
6 person taking testimony or deposition in connection with any such  
7 proceeding; and

8 (8) Statement shall mean any representation, but shall include a  
9 representation of opinion, belief, or other state of mind only if the  
10 representation clearly relates to state of mind apart from or in addition  
11 to any facts which are the subject of the representation.

12 Sec. 2. Section 28-919, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 28-919 (1) A person commits the offense of tampering with a witness  
15 or informant if, believing that an official proceeding or investigation  
16 of a criminal or civil matter is pending or about to be instituted, he or  
17 she attempts to induce or otherwise cause a witness or informant to:

18 (a) Testify or inform falsely;

19 (b) Withhold any testimony, information, document, or thing;

20 (c) Elude legal process summoning him or her to testify or supply  
21 evidence; or

22 (d) Absent himself or herself from any proceeding or investigation  
23 to which he or she has been legally summoned.

24 (2) A person commits the offense of jury tampering if, with intent  
25 to influence a juror's vote, opinion, decision, or other action in a  
26 case, he or she attempts directly or indirectly to communicate with a  
27 juror other than as a part of the proceedings in the trial of the case.

28 (3) Tampering with witnesses or informants is a Class IV felony,  
29 except that if such offense involves a pending criminal proceeding which  
30 alleges a violation of another offense classified: -

31 (a) As a Class II misdemeanor or a lower classification, the offense  
1 is a Class I misdemeanor; or

2 (b) As a Class II felony or a higher classification, the offense is  
3 a Class II felony.

4 (4) Jury tampering is a Class IV felony, except that if such offense  
5 involves a pending criminal proceeding which alleges a violation of  
6 another offense classified as a Class I, IA, IB, IC, ID, or II felony.

7 the offense is a Class II felony.

8 Sec. 3. Section 28-922, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 28-922 (1) A person commits the offense of tampering with physical  
11 evidence if, believing that an official proceeding is pending or about to  
12 be instituted and acting without legal right or authority, he or she:

13 (a) Destroys, mutilates, conceals, removes, or alters physical  
14 evidence with the intent to impair its verity or availability in the  
15 pending or prospective official proceeding; or

16 (b) Knowingly makes, presents, or offers any false physical evidence  
17 with intent that it be introduced in the pending or prospective official  
18 proceeding.

19 (2) Physical evidence, as used in this section, shall mean any  
20 article, object, document, record, or other thing of physical substance.

21 (3) Tampering with physical evidence is a Class IV felony, except  
22 that if such offense involves a pending criminal proceeding which alleges  
23 a violation of another offense classified: -

24 (a) As a Class II misdemeanor or a lower classification, the offense  
25 is a Class I misdemeanor; or

26 (b) As a Class II felony or a higher classification, the offense is  
27 a Class II felony.

28 Sec. 4. Section 29-1912, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 29-1912 (1) When a defendant is charged with a felony or when a  
31 defendant is charged with a misdemeanor or a violation of a city or  
1 village ordinance for which imprisonment is a possible penalty, he or she  
2 may request the court where the case is to be tried, at any time after  
3 the filing of the indictment, information, or complaint, to order the  
4 prosecuting attorney to permit the defendant to inspect and copy or  
5 photograph:

6 (a) The defendant's statement, if any. For purposes of this  
7 subdivision, statement includes any of the following which relate to the  
8 investigation of the underlying charge or charges in the case and which  
9 were developed or received by law enforcement agencies:

10 (i) Written or recorded statements;

11 (ii) Written summaries of oral statements; and

12 (iii) The substance of oral statements means a written statement  
13 made by the defendant and signed or otherwise adopted or approved by him  
14 or her, or a stenographic, mechanical, electrical, or other recording, or  
15 a transcription thereof, which is a substantially verbatim recital of an  
16 oral statement made by the defendant to an agent of the prosecution,  
17 state, or political subdivision thereof, and recorded contemporaneously  
18 with the making of such oral statement;

19 (b) The defendant's prior criminal record, if any;

20 (c) The defendant's recorded testimony before a grand jury;

21 (d) The names and addresses of witnesses on whose evidence the  
22 charge is based;

23 (e) The results and reports, in any form, of physical or mental

24 examinations, and of scientific tests, or experiments made in connection

25 with the particular case, or copies thereof;  
26 (f) Documents, papers, books, accounts, letters, photographs,  
27 objects, or other tangible things of whatsoever kind or nature which  
28 could be used as evidence by the prosecuting authority;  
29 (g) Reports developed or received by law enforcement agencies when  
30 such reports directly relate to the investigation of the underlying  
31 charge or charges in the case:  
1 (h) ~~(g)~~ The known criminal history of a jailhouse witness;  
2 (i) ~~(h)~~ Any deal, promise, inducement, or benefit that the  
3 prosecuting attorney or any person acting on behalf of the prosecuting  
4 attorney has knowingly made or may make in the future to the jailhouse  
5 witness;  
6 (j) ~~(i)~~ The specific statements allegedly made by the defendant  
7 against whom the jailhouse witness will testify and the time, place, and  
8 manner of the defendant's disclosures;  
9 (k) ~~(j)~~ The case name and jurisdiction of any criminal cases known  
10 to the prosecuting attorney in which a jailhouse witness testified about  
11 statements made by another criminal defendant that were disclosed to the  
12 jailhouse witness while he or she was a jailhouse witness and whether the  
13 jailhouse witness received any deal, promise, inducement, or benefit in  
14 exchange for or subsequent to such testimony; and  
15 (l) ~~(k)~~ Any occasion known to the prosecuting attorney in which the  
16 jailhouse witness recanted testimony about statements made by another  
17 criminal defendant that were disclosed to the jailhouse witness while he  
18 or she was a jailhouse witness and, if any are known, a transcript or  
19 copy of such recantation.  
20 (2) The court may issue such an order pursuant to the provisions of  
21 this section. In the exercise of its judicial discretion, the court shall  
22 consider, among other things, whether:  
23 (a) The request is material to the preparation of the defense;  
24 (b) The request is not made primarily for the purpose of harassing  
25 the prosecution or its witnesses;  
26 (c) The request, if granted, would not unreasonably delay the trial  
27 of the offense and an earlier request by the defendant could not have  
28 reasonably been made;  
29 (d) There is no substantial likelihood that the request, if granted,  
30 would preclude a just determination of the issues at the trial of the  
31 offense; or  
1 (e) The request, if granted, would not result in the possibility of  
2 bodily harm to, or coercion of, witnesses.  
3 (3) Whenever the court refuses to grant an order pursuant to the  
4 provisions of this section, it shall render its findings in writing  
5 together with the facts upon which the findings are based.  
6 (4) Whenever the prosecuting attorney believes that the granting of  
7 an order under the provisions of this section will result in the  
8 possibility of bodily harm to witnesses or that witnesses will be  
9 coerced, the court may permit him or her to make such a showing in the  
10 form of a written statement to be inspected by the court alone. The  
11 statement shall be sealed and preserved in the records of the court to be

12 made available to the appellate court in the event of an appeal by the  
13 defendant.

14 (5) For purposes of ~~subdivisions (1)(g) through (k) of this section,~~  
15 jailhouse witness means a person in the physical custody of any jail or  
16 correctional institution as (a) an accused defendant, (b) a convicted  
17 defendant awaiting sentencing, or (c) a convicted defendant serving a  
18 sentence of incarceration, at the time the statements the jailhouse  
19 witness will testify about were disclosed.

20 Sec. 5. Section 29-1914, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 29-1914 Whenever an order is issued pursuant to the provisions of  
23 section 29-1912 or 29-1913, it shall be limited to items or information  
24 that:

25 (1) Directly relate to the investigation of the underlying charge or  
26 charges in the case;

27 (2) Are within the possession, custody, or control of the state or  
28 local subdivisions of government; and, the existence of which is known

29 (3) Are known to exist by the prosecution or that, by the exercise  
30 of due diligence, may become known to the prosecution.

31 Sec. 6. Section 29-1916, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 29-1916 (1) Whenever the court issues an order pursuant to the  
3 provisions of sections 29-1912 and 29-1913, the court may condition its  
4 order by requiring the defendant to grant the prosecution like access to  
5 comparable items or information included within the defendant's request  
6 which:

7 (a) Are in the possession, custody, or control of the defendant;

8 (b) The defendant intends to produce at the trial; and

9 (c) Are material to the preparation of the prosecution's case.

10 (2) Whenever a defendant is granted an order under ~~the provisions of~~  
11 ~~sections 29-1912 to 29-1921, the defendant he~~ shall be deemed to have  
12 waived ~~the his~~ privilege of self-incrimination for the purposes of the  
13 operation of ~~the provisions of~~ this section.

14 Sec. 7. Section 29-1917, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-1917 (1) Except as provided in section 29-1926, at any time after  
17 the filing of an indictment or information in a felony prosecution, the  
18 prosecuting attorney or the defendant may request the court to allow the  
19 taking of a deposition of any person other than the defendant who may be  
20 a witness in the trial of the offense. The court may order the taking of  
21 the deposition when it finds the testimony of the witness:

22 (a) May be material or relevant to the issue to be determined at the  
23 trial of the offense; or

24 (b) May be of assistance to the parties in the preparation of their  
25 respective cases.

26 (2) An order granting the taking of a deposition shall include the  
27 time and place for taking such deposition and such other conditions as  
28 the court determines to be just.

29 (3) The proceedings in taking the deposition of a witness pursuant

30 to this section and returning it to the court shall be governed in all  
31 respects as the taking of depositions in civil cases, including section  
1 25-1223.

2 (4) A deposition taken pursuant to this section may be used at the  
3 trial by any party solely for the purpose of contradicting or impeaching  
4 the testimony of the deponent as a witness.

5 Sec. 8. Section 29-1918, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-1918 If, subsequent to compliance with an order for discovery  
8 under the provisions of sections 29-1912 to 29-1921, and prior to or  
9 during trial, a party discovers additional material which ~~the party he~~  
10 would have been under a duty to disclose or produce at the time of such  
11 previous compliance, the party he shall promptly notify the other party  
12 or the other party's ~~his~~ attorney and the court of the existence of the  
13 additional material. Such notice shall be given at the time of the  
14 discovery of such additional material.

15 Sec. 9. Section 29-1919, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 29-1919 If, at any time during the course of the proceedings it is  
18 brought to the attention of the court that a party has failed to comply  
19 with ~~the provisions of~~ sections 29-1912 to 29-1921 or an order issued  
20 pursuant to ~~the provisions of~~ sections 29-1912 to 29-1921, the court may:

21 (1) Order such party to permit the discovery or inspection of  
22 materials not previously disclosed;

23 (2) Grant a continuance;

24 (3) Prohibit the party from calling a witness not disclosed or  
25 introducing in evidence the material not disclosed; or

26 (4) Enter such other order as it deems just under the circumstances.

27 Sec. 10. Section 29-1923, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 29-1923 If, subsequent to compliance with an order issued pursuant  
30 to section 29-1922, and prior to or during trial, the prosecuting  
31 authority discovers any additional statement made by the defendant or the  
1 name of any eyewitness who has identified the defendant at a lineup or  
2 showup previously requested or ordered which is subject to discovery or  
3 inspection under section 29-1922, he or she shall promptly notify the  
4 defendant or his or her attorney or the court of the existence of this  
5 additional material. Such notice shall be given at the time of the  
6 discovery of such additional material. If at any time during the course  
7 of the proceedings it is brought to the attention of the court that the  
8 prosecuting authority has failed to comply with this section or with an  
9 order issued pursuant to section 29-1922, the court may order the  
10 prosecuting authority to permit the discovery or inspection of materials  
11 or witnesses not previously disclosed, grant a continuance, or prohibit  
12 the prosecuting authority from introducing in evidence the material or  
13 the testimony of the witness or witnesses not disclosed, or it may enter  
14 such other order as it deems just under the circumstances.

15 Sec. 11. Section 29-1924, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 29-1924 ~~For purposes of The term statement as used in sections~~  
 18 29-1922 and 29-1923, statement made by the defendant includes any of the  
 19 following statements made by the defendant which relate to the  
 20 investigation of the underlying charge or charges in the case and which  
 21 were developed or received by law enforcement agencies:  
 22 (1) Written or recorded statements;  
 23 (2) Written summaries of oral statements; and  
 24 (3) The substance of oral statements shall mean (1) a written  
 25 statement made by such defendant and signed or otherwise adopted or  
 26 approved by him or her; or (2) a stenographic, mechanical, electrical, or  
 27 other recording, or a transcription thereof, which is a substantially  
 28 verbatim recital of an oral statement made by such defendant to a peace  
 29 officer or prosecuting authority and recorded contemporaneously with the  
 30 making of such oral statement.  
 31 Sec. 12. Original sections 28-916.01, 28-919, 28-922, 29-1912,  
 1 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924,  
 2 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

### ANNOUNCEMENT(S)

Priority designation(s) received:

Urban Affairs - LB492  
 Business and Labor - LB418  
 Education - LB147  
 Education - LB675  
 Lindstrom - LB610  
 DeBoer - LB680  
 Brandt - LB657  
 M. Hansen - LB433

### MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on pages 888 and 889:

Niobrara Council  
 Jason D. Appelt  
 Lana S. Arrowsmith  
 Dallas D. Dodson  
 Mary L. Mercure

Voting in the affirmative, 31:

Albrecht	Crawford	Hilgers	Lathrop	Vargas
Arch	DeBoer	Hilkemann	Linehan	Wayne
Bolz	Dorn	Hughes	Lowe	Williams
Bostelman	Erdman	Hunt	McDonnell	
Briese	Geist	Kolowski	Moser	
Cavanaugh	Gragert	Kolterman	Murman	
Clements	Hansen, M.	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 11:

Blood	Chambers	Hansen, B.	Stinner
Brandt	Friesen	Lindstrom	Walz
Brewer	Groene	Slama	

Excused and not voting, 7:

Halloran	McCollister	Pansing Brooks	Wishart
Howard	Morfeld	Scheer	

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 888:

Nebraska Ethanol Board  
Michael S. Thede

Voting in the affirmative, 30:

Albrecht	Clements	Gragert	Kolterman	Murman
Arch	Crawford	Hilgers	La Grone	Quick
Blood	DeBoer	Hilkemann	Linehan	Vargas
Bostelman	Dorn	Hughes	Lowe	Walz
Brewer	Friesen	Hunt	McDonnell	Wayne
Briese	Geist	Kolowski	Moser	Williams

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Chambers	Hansen, B.	Lindstrom	Stinner
Brandt	Erdman	Hansen, M.	McCollister	
Cavanaugh	Groene	Lathrop	Slama	

Excused and not voting, 6:

Halloran	Morfeld	Scheer
Howard	Pansing Brooks	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 889:

Nebraska Liquor Control Commission  
Harry Hoch

Voting in the affirmative, 31:

Albrecht	Crawford	Groene	Linehan	Walz
Blood	DeBoer	Hilgers	Lowe	Wayne
Bostelman	Dorn	Hilkemann	McCollister	Williams
Brewer	Erdman	Howard	McDonnell	
Briese	Friesen	Hughes	Moser	
Cavanaugh	Geist	Kolowski	Murman	
Clements	Gragert	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 12:

Arch	Chambers	Hunt	Slama
Bolz	Hansen, B.	Lathrop	Stinner
Brandt	Hansen, M.	Lindstrom	Vargas

Excused and not voting, 6:

Halloran	Morfeld	Scheer
Kolterman	Pansing Brooks	Wishart

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

#### ANNOUNCEMENT(S)

Priority designation(s) received:

Business and Labor - LB428  
Dorn - LB472  
Howard - LB556  
Health and Human Services - LB460  
Health and Human Services - LB468  
Crawford - LB323  
La Grone - LB470  
Geist - LB252

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Thursday, March 28, 2019 1:30 p.m.

Alysson R. Muotri - Stem Cell Research Advisory Committee  
LB489  
LB645  
LB245

(Signed) Sara Howard, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 311.** Title read. Considered.

Committee AM570, found on page 782, was offered.

Pending.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 86.** Placed on General File with amendment.

AM792

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

2 sections:

3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:5 18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall  
6 be known and may be cited as the Community Development Law.7 Sec. 2. (1) For any city that (a) intends to carry out a8 redevelopment project which will involve the construction of workforce9 housing in an extremely blighted area as authorized under subdivision10 (28)(g) of section 18-2103 or (b) intends to declare an area as an11 extremely blighted area for purposes of funding decisions under12 subdivision (1)(b) of section 58-708, the governing body of such city13 shall first declare, by resolution adopted after the public hearings14 required under this section, such area to be an extremely blighted area.15 (2) Prior to making such declaration, the governing body of the city16 shall conduct or cause to be conducted a study or an analysis on whether17 the area is extremely blighted and shall submit the question of whether18 such area is extremely blighted to the planning commission or board of19 the city for its review and recommendation. The planning commission or20 board shall hold a public hearing on the question after giving notice of21 the hearing as provided in section 18-2115.01. Such notice shall include22 a map of sufficient size to show the area to be declared extremely

23 blighted or information on where to find such map and shall provide  
 24 information on where to find copies of the study or analysis conducted  
 25 pursuant to this subsection. The planning commission or board shall  
 26 submit its written recommendations to the governing body of the city  
 27 within thirty days after the public hearing.

1 (3) Upon receipt of the recommendations of the planning commission  
 2 or board, or if no recommendations are received within thirty days after  
 3 the public hearing required under subsection (2) of this section, the  
 4 governing body shall hold a public hearing on the question of whether the  
 5 area is extremely blighted after giving notice of the hearing as provided  
 6 in section 18-2115.01. Such notice shall include a map of sufficient size  
 7 to show the area to be declared extremely blighted or information on  
 8 where to find such map and shall provide information on where to find  
 9 copies of the study or analysis conducted pursuant to subsection (2) of  
 10 this section. At the public hearing, all interested parties shall be  
 11 afforded a reasonable opportunity to express their views respecting the  
 12 proposed declaration. After such hearing, the governing body of the city  
 13 may make its declaration.

14 (4) Copies of each study or analysis conducted pursuant to  
 15 subsection (2) of this section shall be posted on the city's public web  
 16 site or made available for public inspection at a location designated by  
 17 the city.

18 (5) The study or analysis required under subsection (2) of this  
 19 section may be conducted in conjunction with the study or analysis  
 20 required under section 18-2109. The hearings required under this section  
 21 may be held in conjunction with the hearings required under section  
 22 18-2109.

23 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,  
 24 2018, is amended to read:

25 18-2115.01 (1) Public notice of any hearing required under section  
 26 18-2109 or 18-2115 or section 2 of this act shall be given by publication  
 27 at least once a week for two consecutive weeks in a legal newspaper in or  
 28 of general circulation in the community. The time of the hearing shall be  
 29 at least ten days from the last publication.

30 (2)(a) Notice of any hearing required under section 18-2109 or  
 31 18-2115 or section 2 of this act shall be given to neighborhood  
 1 associations that have registered under subsection (5) of this section as  
 2 follows:

3 (i) For a hearing under section 18-2109, notice shall be given to  
 4 each registered neighborhood association whose area of representation is  
 5 located in whole or in part within a one-mile radius of the area to be  
 6 declared substandard and blighted; ~~and~~

7 (ii) For a hearing under section 2 of this act, notice shall be  
 8 given to each registered neighborhood association whose area of  
 9 representation is located in whole or in part within a one-mile radius of  
 10 the area to be declared extremely blighted; and

11 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be  
 12 given to each registered neighborhood association whose area of  
 13 representation is located in whole or in part within a one-mile radius of

14 the area to be redeveloped.

15 (b) Notice under this subsection shall be given at least ten days  
16 prior to the hearing in the manner requested by the neighborhood  
17 association. The notice shall be deemed given on the date it is sent.

18 (3)(a) Notice of any hearing required under section 18-2109 or  
19 18-2115 or section 2 of this act shall be given to political subdivisions  
20 as follows:

21 (i) For a hearing under section 18-2109, notice shall be given to  
22 the president or chairperson of the governing body of each county, school  
23 district, community college area, educational service unit, and natural  
24 resources district in which the real property to be declared substandard  
25 and blighted is located; ~~and~~

26 (ii) For a hearing under section 2 of this act, notice shall be  
27 given to the president or chairperson of the governing body of each  
28 county, school district, community college area, educational service  
29 unit, and natural resources district in which the real property to be  
30 declared extremely blighted is located; and

31 ~~(iii) (ii)~~ For a hearing under section 18-2115, notice shall be  
1 given to the president or chairperson of the governing body of each  
2 county, school district, community college area, educational service  
3 unit, and natural resources district in which the real property subject  
4 to the redevelopment plan or substantial modification thereof is located.

5 (b) Notice under this subsection shall be given at least ten days  
6 prior to the hearing by certified mail, return receipt requested. The  
7 notice shall be deemed given on the date it is mailed by certified mail.

8 (4) All notices given under this section shall describe the time,  
9 date, place, and purpose of the hearing.

10 (5) Each neighborhood association desiring to receive notice of any  
11 hearing required under section 18-2109 or 18-2115 or section 2 of this  
12 act shall register with the city's planning department or, if there is no  
13 planning department, with the city clerk. The registration shall include  
14 a description of the area of representation of the association, the name  
15 of and contact information for the individual designated by the  
16 association to receive the notice on its behalf, and the requested manner  
17 of service, whether by email, first-class mail, or certified mail.  
18 Registration of the neighborhood association for purposes of this section  
19 shall be accomplished in accordance with such other rules and regulations  
20 as may be adopted and promulgated by the city.

21 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 18-2117.04 (1) On and after October 1, 2018, each city that has  
24 approved one or more redevelopment plans or redevelopment projects that  
25 are financed in whole or in part through the division of taxes as  
26 provided in section 18-2147 shall retain copies of (a) all such  
27 redevelopment plans and (b) all supporting documents associated with the  
28 redevelopment plans or redevelopment projects, ~~and~~ with any related  
29 substandard and blighted declaration under section 18-2109, and with any  
30 related extremely blighted declaration under section 2 of this act that  
31 are received or generated by the city.

1 (2) The city shall retain the redevelopment plans and supporting  
2 documents described in subsection (1) of this section for the period of  
3 time required under any applicable records retention schedule adopted  
4 under the Records Management Act or for three years following the end of  
5 the last fiscal year in which ad valorem taxes are divided, whichever  
6 period is longer.

7 (3) For purposes of this section, supporting document includes any  
8 substandard and blighted study or analysis conducted pursuant to section  
9 18-2109, any extremely blighted study or analysis conducted pursuant to  
10 section 2 of this act, any cost-benefit analysis conducted pursuant to  
11 section 18-2113, and any invoice, receipt, claim, or contract received or  
12 generated by the city that provides support for receipts or payments  
13 associated with the redevelopment plan or redevelopment project.  
14 Sec. 5. Section 58-708, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 58-708 (1) During each calendar year in which funds are available  
17 from the Affordable Housing Trust Fund for use by the Department of  
18 Economic Development, the department shall make its best efforts to  
19 allocate not less than thirty percent of such funds to each congressional  
20 district. The department shall announce a grant and loan application  
21 period of at least ninety days duration for all projects. In selecting  
22 projects to receive trust fund assistance, the department shall develop a  
23 qualified allocation plan and give first priority to financially viable  
24 projects that serve the lowest income occupants for the longest period of  
25 time. The qualified allocation plan shall:

26 (a) Set forth selection criteria to be used to determine housing  
27 priorities of the housing trust fund which are appropriate to local  
28 conditions, including the community's immediate need for affordable  
29 housing, proposed increases in home ownership, private dollars leveraged,  
30 level of local government support and participation, and repayment, in  
31 part or in whole, of financial assistance awarded by the fund; and

1 (b) Give first priority in allocating trust fund assistance among  
2 selected projects to those projects which are located in whole or in part  
3 within an enterprise zone designated pursuant to the Enterprise Zone Act,  
4 serve the lowest income occupant, are located in an area that has been  
5 declared an extremely blighted area under section 2 of this act, and are  
6 obligated to serve qualified occupants for the longest period of time.

7 (2) The department shall fund in order of priority as many  
8 applications as will utilize available funds less actual administrative  
9 costs of the department in administering the program. In administering  
10 the program the department may contract for services or directly provide  
11 funds to other governmental entities or instrumentalities.

12 (3) The department may recapture any funds which were allocated to a  
13 qualified recipient for an eligible project through an award agreement if  
14 such funds were not utilized for eligible costs within the time of  
15 performance under the agreement and are therefor no longer obligated to  
16 the project. The recaptured funds shall be credited to the Affordable  
17 Housing Trust Fund.

18 Sec. 6. Original sections 18-2101, 18-2115.01, 18-2117.04, and

19 58-708, Revised Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 88.** Placed on General File with amendment.

AM791

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

2 sections:

3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall

6 be known and may be cited as the Community Development Law.

7 Sec. 2. (1) For any city that (a) intends to carry out a

8 redevelopment project which will involve the construction of workforce

9 housing in an extremely blighted area as authorized under subdivision

10 (28)(g) of section 18-2103 or (b) intends to declare an area as an

11 extremely blighted area in order for individuals purchasing residences in

12 such area to qualify for the income tax credit authorized in subsection

13 (7) of section 77-2715.07, the governing body of such city must first

14 declare, by resolution adopted after the public hearings required under

15 this section, such area to be an extremely blighted area.

16 (2) Prior to making such declaration, the governing body of the city

17 shall conduct or cause to be conducted a study or an analysis on whether

18 the area is extremely blighted and shall submit the question of whether

19 such area is extremely blighted to the planning commission or board of

20 the city for its review and recommendation. The planning commission or

21 board shall hold a public hearing on the question after giving notice of

22 the hearing as provided in section 18-2115.01. Such notice shall include

23 a map of sufficient size to show the area to be declared extremely

24 blighted or information on where to find such map and shall provide

25 information on where to find copies of the study or analysis conducted

26 pursuant to this subsection. The planning commission or board shall

27 submit its written recommendations to the governing body of the city

1 within thirty days after the public hearing.

2 (3) Upon receipt of the recommendations of the planning commission

3 or board, or if no recommendations are received within thirty days after

4 the public hearing required under subsection (2) of this section, the

5 governing body shall hold a public hearing on the question of whether the

6 area is extremely blighted after giving notice of the hearing as provided

7 in section 18-2115.01. Such notice shall include a map of sufficient size

8 to show the area to be declared extremely blighted or information on

9 where to find such map and shall provide information on where to find

10 copies of the study or analysis conducted pursuant to subsection (2) of

11 this section. At the public hearing, all interested parties shall be

12 afforded a reasonable opportunity to express their views respecting the

13 proposed declaration. After such hearing, the governing body of the city

14 may make its declaration.

15 (4) Copies of each study or analysis conducted pursuant to

16 subsection (2) of this section shall be posted on the city's public web

17 site or made available for public inspection at a location designated by

18 the city.

19 (5) The study or analysis required under subsection (2) of this  
20 section may be conducted in conjunction with the study or analysis  
21 required under section 18-2109. The hearings required under this section  
22 may be held in conjunction with the hearings required under section  
23 18-2109.

24 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26 18-2115.01 (1) Public notice of any hearing required under section  
27 18-2109 or 18-2115 or section 2 of this act shall be given by publication  
28 at least once a week for two consecutive weeks in a legal newspaper in or  
29 of general circulation in the community. The time of the hearing shall be  
30 at least ten days from the last publication.

31 (2)(a) Notice of any hearing required under section 18-2109 or  
1 18-2115 or section 2 of this act shall be given to neighborhood  
2 associations that have registered under subsection (5) of this section as  
3 follows:

4 (i) For a hearing under section 18-2109, notice shall be given to  
5 each registered neighborhood association whose area of representation is  
6 located in whole or in part within a one-mile radius of the area to be  
7 declared substandard and blighted; ~~and~~

8 (ii) For a hearing under section 2 of this act, notice shall be  
9 given to each registered neighborhood association whose area of  
10 representation is located in whole or in part within a one-mile radius of  
11 the area to be declared extremely blighted; and

12 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be  
13 given to each registered neighborhood association whose area of  
14 representation is located in whole or in part within a one-mile radius of  
15 the area to be redeveloped.

16 (b) Notice under this subsection shall be given at least ten days  
17 prior to the hearing in the manner requested by the neighborhood  
18 association. The notice shall be deemed given on the date it is sent.

19 (3)(a) Notice of any hearing required under section 18-2109 or  
20 18-2115 or section 2 of this act shall be given to political subdivisions  
21 as follows:

22 (i) For a hearing under section 18-2109, notice shall be given to  
23 the president or chairperson of the governing body of each county, school  
24 district, community college area, educational service unit, and natural  
25 resources district in which the real property to be declared substandard  
26 and blighted is located; ~~and~~

27 (ii) For a hearing under section 2 of this act, notice shall be  
28 given to the president or chairperson of the governing body of each  
29 county, school district, community college area, educational service  
30 unit, and natural resources district in which the real property to be  
31 declared extremely blighted is located; and

1 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be  
2 given to the president or chairperson of the governing body of each  
3 county, school district, community college area, educational service  
4 unit, and natural resources district in which the real property subject  
5 to the redevelopment plan or substantial modification thereof is located.

6 (b) Notice under this subsection shall be given at least ten days  
7 prior to the hearing by certified mail, return receipt requested. The  
8 notice shall be deemed given on the date it is mailed by certified mail.

9 (4) All notices given under this section shall describe the time,  
10 date, place, and purpose of the hearing.

11 (5) Each neighborhood association desiring to receive notice of any  
12 hearing required under section 18-2109 or 18-2115 or section 2 of this  
13 act shall register with the city's planning department or, if there is no  
14 planning department, with the city clerk. The registration shall include  
15 a description of the area of representation of the association, the name  
16 of and contact information for the individual designated by the  
17 association to receive the notice on its behalf, and the requested manner  
18 of service, whether by email, first-class mail, or certified mail.  
19 Registration of the neighborhood association for purposes of this section  
20 shall be accomplished in accordance with such other rules and regulations  
21 as may be adopted and promulgated by the city.

22 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 18-2117.04 (1) On and after October 1, 2018, each city that has  
25 approved one or more redevelopment plans or redevelopment projects that  
26 are financed in whole or in part through the division of taxes as  
27 provided in section 18-2147 shall retain copies of (a) all such  
28 redevelopment plans and (b) all supporting documents associated with the  
29 redevelopment plans or redevelopment projects, ~~and~~ with any related  
30 substandard and blighted declaration under section 18-2109, and with any  
31 related extremely blighted declaration under section 2 of this act that  
1 are received or generated by the city.

2 (2) The city shall retain the redevelopment plans and supporting  
3 documents described in subsection (1) of this section for the period of  
4 time required under any applicable records retention schedule adopted  
5 under the Records Management Act or for three years following the end of  
6 the last fiscal year in which ad valorem taxes are divided, whichever  
7 period is longer.

8 (3) For purposes of this section, supporting document includes any  
9 substandard and blighted study or analysis conducted pursuant to section  
10 18-2109, any extremely blighted study or analysis conducted pursuant to  
11 section 2 of this act, any cost-benefit analysis conducted pursuant to  
12 section 18-2113, and any invoice, receipt, claim, or contract received or  
13 generated by the city that provides support for receipts or payments  
14 associated with the redevelopment plan or redevelopment project.

15 Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 77-2715.07 (1) There shall be allowed to qualified resident  
18 individuals as a nonrefundable credit against the income tax imposed by  
19 the Nebraska Revenue Act of 1967:

20 (a) A credit equal to the federal credit allowed under section 22 of  
21 the Internal Revenue Code; and

22 (b) A credit for taxes paid to another state as provided in section  
23 77-2730.

- 24 (2) There shall be allowed to qualified resident individuals against  
25 the income tax imposed by the Nebraska Revenue Act of 1967:
- 26 (a) For returns filed reporting federal adjusted gross incomes of  
27 greater than twenty-nine thousand dollars, a nonrefundable credit equal  
28 to twenty-five percent of the federal credit allowed under section 21 of  
29 the Internal Revenue Code of 1986, as amended, except that for taxable  
30 years beginning or deemed to begin on or after January 1, 2015, such  
31 nonrefundable credit shall be allowed only if the individual would have  
1 received the federal credit allowed under section 21 of the code after  
2 adding back in any carryforward of a net operating loss that was deducted  
3 pursuant to such section in determining eligibility for the federal  
4 credit;
- 5 (b) For returns filed reporting federal adjusted gross income of  
6 twenty-nine thousand dollars or less, a refundable credit equal to a  
7 percentage of the federal credit allowable under section 21 of the  
8 Internal Revenue Code of 1986, as amended, whether or not the federal  
9 credit was limited by the federal tax liability. The percentage of the  
10 federal credit shall be one hundred percent for incomes not greater than  
11 twenty-two thousand dollars, and the percentage shall be reduced by ten  
12 percent for each one thousand dollars, or fraction thereof, by which the  
13 reported federal adjusted gross income exceeds twenty-two thousand  
14 dollars, except that for taxable years beginning or deemed to begin on or  
15 after January 1, 2015, such refundable credit shall be allowed only if  
16 the individual would have received the federal credit allowed under  
17 section 21 of the code after adding back in any carryforward of a net  
18 operating loss that was deducted pursuant to such section in determining  
19 eligibility for the federal credit;
- 20 (c) A refundable credit as provided in section 77-5209.01 for  
21 individuals who qualify for an income tax credit as a qualified beginning  
22 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
23 for all taxable years beginning or deemed to begin on or after January 1,  
24 2006, under the Internal Revenue Code of 1986, as amended;
- 25 (d) A refundable credit for individuals who qualify for an income  
26 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
27 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
28 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
29 and
- 30 (e) A refundable credit equal to ten percent of the federal credit  
31 allowed under section 32 of the Internal Revenue Code of 1986, as  
1 amended, except that for taxable years beginning or deemed to begin on or  
2 after January 1, 2015, such refundable credit shall be allowed only if  
3 the individual would have received the federal credit allowed under  
4 section 32 of the code after adding back in any carryforward of a net  
5 operating loss that was deducted pursuant to such section in determining  
6 eligibility for the federal credit.
- 7 (3) There shall be allowed to all individuals as a nonrefundable  
8 credit against the income tax imposed by the Nebraska Revenue Act of  
9 1967:
- 10 (a) A credit for personal exemptions allowed under section

11 77-2716.01;  
12 (b) A credit for contributions to certified community betterment  
13 programs as provided in the Community Development Assistance Act. Each  
14 partner, each shareholder of an electing subchapter S corporation, each  
15 beneficiary of an estate or trust, or each member of a limited liability  
16 company shall report his or her share of the credit in the same manner  
17 and proportion as he or she reports the partnership, subchapter S  
18 corporation, estate, trust, or limited liability company income;  
19 (c) A credit for investment in a biodiesel facility as provided in  
20 section 77-27,236;  
21 (d) A credit as provided in the New Markets Job Growth Investment  
22 Act;  
23 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
24 Revitalization Act;  
25 (f) A credit to employers as provided in section 77-27,238; and  
26 (g) A credit as provided in the Affordable Housing Tax Credit Act.  
27 (4) There shall be allowed as a credit against the income tax  
28 imposed by the Nebraska Revenue Act of 1967:  
29 (a) A credit to all resident estates and trusts for taxes paid to  
30 another state as provided in section 77-2730;  
31 (b) A credit to all estates and trusts for contributions to  
1 certified community betterment programs as provided in the Community  
2 Development Assistance Act; and  
3 (c) A refundable credit for individuals who qualify for an income  
4 tax credit as an owner of agricultural assets under the Beginning Farmer  
5 Tax Credit Act for all taxable years beginning or deemed to begin on or  
6 after January 1, 2009, under the Internal Revenue Code of 1986, as  
7 amended. The credit allowed for each partner, shareholder, member, or  
8 beneficiary of a partnership, corporation, limited liability company, or  
9 estate or trust qualifying for an income tax credit as an owner of  
10 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
11 equal to the partner's, shareholder's, member's, or beneficiary's portion  
12 of the amount of tax credit distributed pursuant to subsection (4) of  
13 section 77-5211.  
14 (5)(a) For all taxable years beginning on or after January 1, 2007,  
15 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
16 amended, there shall be allowed to each partner, shareholder, member, or  
17 beneficiary of a partnership, subchapter S corporation, limited liability  
18 company, or estate or trust a nonrefundable credit against the income tax  
19 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
20 partner's, shareholder's, member's, or beneficiary's portion of the  
21 amount of franchise tax paid to the state under sections 77-3801 to  
22 77-3807 by a financial institution.  
23 (b) For all taxable years beginning on or after January 1, 2009,  
24 under the Internal Revenue Code of 1986, as amended, there shall be  
25 allowed to each partner, shareholder, member, or beneficiary of a  
26 partnership, subchapter S corporation, limited liability company, or  
27 estate or trust a nonrefundable credit against the income tax imposed by  
28 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,

29 member's, or beneficiary's portion of the amount of franchise tax paid to  
30 the state under sections 77-3801 to 77-3807 by a financial institution.

31 (c) Each partner, shareholder, member, or beneficiary shall report  
1 his or her share of the credit in the same manner and proportion as he or  
2 she reports the partnership, subchapter S corporation, limited liability  
3 company, or estate or trust income. If any partner, shareholder, member,  
4 or beneficiary cannot fully utilize the credit for that year, the credit  
5 may not be carried forward or back.

6 (6) There shall be allowed to all individuals nonrefundable credits  
7 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
8 provided in section 77-3604 and refundable credits against the income tax  
9 imposed by the Nebraska Revenue Act of 1967 as provided in section  
10 77-3605.

11 (7)(a) For taxable years beginning or deemed to begin on or after  
12 January 1, 2020, and before January 1, 2026, under the Internal Revenue  
13 Code of 1986, as amended, a nonrefundable credit against the income tax  
14 imposed by the Nebraska Revenue Act of 1967 in the amount of five  
15 thousand dollars shall be allowed to any individual who purchases a  
16 residence during the taxable year if such residence:

17 (i) Is located within an area that has been declared an extremely  
18 blighted area under section 2 of this act;

19 (ii) Is the individual's primary residence; and

20 (iii) Was not purchased from a family member of the individual or a  
21 family member of the individual's spouse.

22 (b) The credit provided in this subsection shall be claimed for the  
23 taxable year in which the residence is purchased. If the individual  
24 cannot fully utilize the credit for such year, the credit may be carried  
25 forward to subsequent taxable years until fully utilized.

26 (c) No more than one credit may be claimed under this subsection  
27 with respect to a single residence.

28 (d) The credit provided in this subsection shall be subject to  
29 recapture by the Department of Revenue if the individual claiming the  
30 credit sells or otherwise transfers the residence or quits using the  
31 residence as his or her primary residence within five years after the end  
1 of the taxable year in which the credit was claimed.

2 (e) For purposes of this subsection, family member means an  
3 individual's spouse, child, parent, brother, sister, grandchild, or  
4 grandparent, whether by blood, marriage, or adoption.

5 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of  
6 Nebraska, and sections 18-2101, 18-2115.01, and 18-2117.04, Revised  
7 Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 310.** Placed on General File with amendment.  
AM739

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

3 Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-2906 (1)(a) (†) Within twelve months after the date on which the

6 historically significant real property is placed in service, a person  
7 whose application was approved under section 77-2905 shall file a request  
8 for final approval containing all required information with the officer  
9 on a form prescribed by the officer and shall include a fee established  
10 by the officer pursuant to section 77-2907. The officer shall then  
11 determine whether the work substantially conforms to the application  
12 approved under section 77-2905. If the work substantially conforms and no  
13 other significant improvements have been made to the historically  
14 significant real property that do not substantially comply with the  
15 standards, the officer shall approve the request for final approval and  
16 refer the application to the department to determine the amount of  
17 eligible expenditures, calculate the amount of the credit, and issue a  
18 certificate to the person evidencing the credit. If the work does not  
19 substantially conform to the approved application or if other significant  
20 improvements have been made to the historically significant real property  
21 that do not substantially comply with the standards, the officer shall  
22 deny the request for final approval and provide the person with a written  
23 explanation of the decision. The officer shall make a determination on  
24 the request for final approval in writing within thirty days after the  
25 filing of the request. If the officer does not make a determination  
26 within thirty days after the filing of the request, the request shall be  
27 deemed approved and the person may petition the department directly to  
1 determine the amount of eligible expenditures, calculate the amount of  
2 the credit, and issue a certificate evidencing the credit.

3 (b) The department shall determine the amount of eligible  
4 expenditures, calculate the amount of the credit, and issue one or more  
5 certificates evidencing the credit within sixty days after referral of  
6 the application to the department by the officer or the filing of a  
7 petition pursuant to subdivision (1)(a) of this section. The person  
8 filing the request for final approval and the department may also agree  
9 to extend the sixty-day period, but such extension shall not exceed an  
10 additional thirty days. If the department does not determine the amount  
11 of eligible expenditures, calculate the amount of the credit, and issue  
12 one or more certificates evidencing the credit within such sixty-day  
13 period or agreed-upon longer period, the credit shall be deemed to have  
14 been issued by the department for the amount requested in such person's  
15 request for final approval, except that such amount shall not exceed one  
16 hundred ten percent of the amount of credits allocated by the officer  
17 under section 77-2905 and such amount shall not increase or decrease the  
18 total amount of credits that may be allocated by the officer under  
19 section 77-2905 in any calendar year.

20 (c) Any denial of a request for final approval by the officer or any  
21 determination of the amount of eligible expenditures or calculation of  
22 the amount of the credit by the department pursuant to this section may  
23 be appealed, and the appeal shall be in accordance with the  
24 Administrative Procedure Act.

25 (2) The department shall divide the credit and issue multiple  
26 certificates to a person who qualifies for the credit upon reasonable  
27 request.

28 (3) In calculating the amount of the credits to be issued pursuant  
29 to this section, the department may issue credits in an amount that  
30 differs from the amount of credits allocated by the officer under section  
31 77-2905 if such credits are supported by eligible expenditures as  
1 determined by the department, except that the department shall not issue  
2 credits in an amount exceeding one hundred ten percent of the amount of  
3 credits allocated by the officer under section 77-2905. If the amount of  
4 credits to be issued under this section is more than the amount of  
5 credits allocated by the officer pursuant to section 77-2905, the  
6 department shall notify the officer of the difference and such amount  
7 shall be subtracted from the annual amount available for allocation under  
8 section 77-2905. If the amount of credits to be issued under this section  
9 is less than the amount of credits allocated by the officer pursuant to  
10 section 77-2905, the department shall notify the officer of the  
11 difference and such amount shall be added to the annual amount available  
12 for allocation under section 77-2905.

13 (4) The department shall not issue any certificates for credits  
14 under this section until the recipient of the credit has paid to the  
15 department:

16 (a) A fee equal to one-quarter of one percent of the credit  
17 amount. The department shall remit such fees to the State Treasurer for  
18 credit to the Civic and Community Center Financing Fund; and -

19 (b) A fee equal to two hundred seventy-five thousandths of one  
20 percent of the credit amount. The department shall retain such fee to  
21 offset the cost of processing applications for credits under this  
22 section.

23 (5) If the recipient of the credit is (a) a corporation having an  
24 election in effect under subchapter S of the Internal Revenue Code of  
25 1986, as amended, (b) a partnership, or (c) a limited liability company,  
26 the credit may be claimed by the shareholders of the corporation, the  
27 partners of the partnership, or the members of the limited liability  
28 company in the same manner as those shareholders, partners, or members  
29 account for their proportionate shares of the income or losses of the  
30 corporation, partnership, or limited liability company, or as provided in  
31 the bylaws or other executed agreement of the corporation, partnership,  
1 or limited liability company. Credits granted to a partnership, a limited  
2 liability company taxed as a partnership, or other multiple owners of  
3 property shall be passed through to the partners, members, or owners,  
4 respectively, on a pro rata basis or pursuant to an executed agreement  
5 among the partners, members, or owners documenting any alternate  
6 distribution method.

7 (6) Subject to section 77-2912, any credit amount that is unused may  
8 be carried forward to subsequent tax years until fully utilized.

9 (7) Credits allowed under this section may be claimed for taxable  
10 years beginning or deemed to begin on or after January 1, 2015, under the  
11 Internal Revenue Code of 1986, as amended.

12 Sec. 2. Original section 77-2906, Reissue Revised Statutes of  
13 Nebraska, is repealed.

(Signed) Lou Ann Linehan, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 316.** Placed on General File with amendment.  
AM778

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

3 Section 1. (1) For purposes of this section:

4 (a) Contracted pharmacy means a pharmacy located in this state that  
5 participates either in the network of a pharmacy benefit manager or in a  
6 health care or pharmacy benefits management plan through a direct  
7 contract or through a contract with a pharmacy services administration  
8 organization, a group purchasing organization, or another contracting  
9 agent;

10 (b) Covered entity means (i) a nonprofit hospital or medical  
11 services corporation, an insurer, a third-party payor, a managed care  
12 company, or a health maintenance organization, (ii) a health program  
13 administered by the state in the capacity of provider of health insurance  
14 coverage, or (iii) an employer, a labor union, or any other group of  
15 persons organized in the state that provides health insurance coverage;

16 (c) Covered individual means a member, participant, enrollee,  
17 contract holder, policyholder, or beneficiary of a covered entity who is  
18 provided health insurance coverage by the covered entity and includes a  
19 dependent or other person provided health insurance coverage through a  
20 policy, contract, or plan for a covered individual;

21 (d)(i) Insurer means any person providing life insurance, sickness  
22 and accident insurance, workers' compensation insurance, or annuities in  
23 this state.

24 (ii) Insurer includes an authorized insurance company, a prepaid  
25 hospital or medical care plan, a managed care plan, a health maintenance  
26 organization, any other person providing a plan of insurance subject to  
27 state insurance regulation, and an employer who is approved by the  
1 Nebraska Workers' Compensation Court as a self-covered entity;

2 (e) Pharmacist has the same meaning as in section 38-2832;

3 (f) Pharmacy has the same meaning as in section 71-425;

4 (g) Pharmacy benefit manager means a person or an entity that  
5 performs pharmacy benefits management services for a covered entity and  
6 includes any other person or entity acting on behalf of a pharmacy  
7 benefit manager pursuant to a contractual or employment relationship;

8 (h) Pharmacy benefits management means the administration or  
9 management of prescription drug benefits provided by a covered entity  
10 under the terms and conditions of the contract between the pharmacy  
11 benefit manager and the covered entity; and

12 (i) Prescription drug means a prescription drug or device or legend  
13 drug or device as defined in section 38-2841.

14 (2) A pharmacist or contracted pharmacy shall not be prohibited from  
15 or subject to penalties or removal from a network or plan for sharing  
16 information regarding the cost, price, or copayment of a prescription

17 drug with a covered individual or a covered individual's caregiver. A  
18 pharmacy benefit manager shall not prohibit or inhibit a pharmacist or  
19 contracted pharmacy from discussing any such information or selling a  
20 more affordable alternative to a covered individual or a covered  
21 individual's caregiver.  
22 (3) An insurer that offers a health plan which covers prescription  
23 drugs shall not require a covered individual to make a payment for a  
24 prescription drug at the point of sale in an amount that exceeds the  
25 lesser of:  
26 (a) The covered individual's copayment, deductible, or coinsurance  
27 for such prescription drug; or  
28 (b) The amount any individual would pay for such prescription drug  
29 if that individual paid in cash.

**LEGISLATIVE BILL 573.** Indefinitely postponed.

(Signed) Matt Williams, Chairperson

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Hilgers - LB616  
Lowe - LB153  
Banking, Commerce and Insurance - LB316  
Banking, Commerce and Insurance - LB603  
Natural Resources - LB177  
Transportation and Telecommunications - LB184  
Transportation and Telecommunications - LB462  
Halloran - LB693

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

**LEGISLATIVE RESOLUTION 45.** Introduced by Bostelman, 23.

WHEREAS, the Bishop Neumann High School girls' basketball team won the 2019 Class C-1 Girls State Basketball Championship; and

WHEREAS, the Bishop Neumann Cavaliers defeated the Lincoln Christian Crusaders in the championship game by a score of 45-29; and

WHEREAS, this is the Cavaliers' first state title in girls' basketball since 2010; and

WHEREAS, head coach Jason Simons provided the leadership to cap a winning season with a state championship; and

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

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

1. That the Legislature congratulates the Bishop Neumann High School girls' basketball team on winning the 2019 Class C-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to Bishop Neumann High School and Coach Jason Simons.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 311.** Committee AM570, found on page 782 and considered in this day's Journal, was renewed.

### SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:

MO26

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Pending.

### COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 522.** Placed on General File with amendment.  
AM612

1 1. On page 9, strike lines 12 through 26; and in line 27 strike

2 "(3)" and insert "(2)".

3 2. On page 10, line 1, strike "(4)" and insert "(3)".

**LEGISLATIVE BILL 637.** Placed on General File with amendment.  
AM238

1 1. Insert the following new section:

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

3 and approved according to law.

**LEGISLATIVE BILL 733.** Placed on General File with amendment.  
AM738

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

2 sections:

3 Section 1. Section 32-904, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 32-904 (1) The election commissioner or county clerk shall

6 designate the polling places for each precinct at which the registered

7 voters of the precinct will cast their votes. Polling places representing

8 different precincts may be combined at a single location when potential

9 sites cannot be found, contracts for utilizing polling sites cannot be

10 obtained, or a potential site is not accessible to handicapped persons as  
11 provided in section 32-907.

12 (2) When combining polling places at a single site for an election  
13 other than a special election, the election commissioner or county clerk  
14 shall clearly separate the polling places from each other and maintain  
15 separate receiving boards. When combining polling places at a single site  
16 for a special election, the election commissioner or county clerk may  
17 combine the polling places and receiving boards.

18 (3) Polling places shall not be changed between the statewide  
19 primary and general elections unless the election commissioner or county  
20 clerk has been authorized to make such change by the Secretary of State.  
21 If changes are authorized, the election commissioner or county clerk  
22 shall notify each state and local candidate affected by the change.

23 (4) Notwithstanding any other provision of the Election Act, the  
24 Secretary of State may adopt and promulgate rules and regulations, with  
25 the consent of the appropriate election commissioner or county clerk, for  
26 the establishment of polling places which may be used for voting pursuant  
27 to section 32-1041 for the twenty days preceding the day of election.

1 Such polling places shall be in addition to the office of the election  
2 commissioner or county clerk and the polling places otherwise established  
3 pursuant to this section.

4 Sec. 2. Section 32-907, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 32-907 (1) All polling places shall be accessible to all registered  
7 voters and shall be in compliance with the federal Americans with  
8 Disabilities Act of 1990, as amended, and the federal Help America Vote  
9 Act of 2002, as amended. In addition, all ~~all~~ polling places shall be  
10 modified or relocated to architecturally barrier-free buildings to  
11 provide unobstructed access to such polling places by people with  
12 physical limitations as required by this section. At least one voting  
13 booth shall be so constructed as to provide easy access for people with  
14 limitations, and shall accommodate a wheelchair, and shall have a cover  
15 or barrier to provide privacy. The modifications required by this section  
16 may be of a temporary nature to provide such unobstructed access only on  
17 election day.

18 (2) All polling places shall meet the requirements of the federal  
19 Americans with Disabilities Act of 1990, as amended, and the federal Help  
20 America Vote Act of 2002, as amended, including, but not limited to,  
21 requirements for:

22 (a) Parking;

23 (b) Signage, including, but not limited to, signs at the entrances  
24 to the parking area (i) that indicate that someone is available to bring  
25 a ballot out if access to the polling location is challenging, (ii) that  
26 contain a telephone number to contact poll workers, and (iii) posted with  
27 visible lettering that exceeds three inches, plus one-eighth inch per  
28 foot of viewing distance more than twenty-one feet from accessible  
29 parking spaces;

30 (c) Exterior route to accessible entrance;

31 (d) Polling place entrances;

1 (e) Route from entrance into voting area;  
 2 (f) Voting area, including, but not limited to, a sign (i) that  
 3 indicates that assistance is available, (ii) that contains the contact  
 4 telephone number approved by the Secretary of State and (ii) posted with  
 5 visible lettering that is two inches, plus one-eighth inch per foot of  
 6 viewing distance more than one hundred eighty inches from viewing points;  
 7 (g) Ramps;  
 8 (h) Lifts; and  
 9 (i) Elevators.  
 10 (3) The Secretary of State shall develop, print, and make publicly  
 11 available a training manual regarding accessibility requirements of the  
 12 Election Act, the federal Americans with Disabilities Act of 1990, as  
 13 amended, and the federal Help America Vote Act of 2002, as amended.  
 14 (4) The Secretary of State shall include in the biennial training  
 15 for election commissioners and county clerks current standards for  
 16 accessibility. All poll workers shall receive training regarding  
 17 accessibility between appointment and serving at an election.  
 18 Sec. 3. Original sections 32-904 and 32-907, Reissue Revised  
 19 Statutes of Nebraska, are repealed.

(Signed) Tom Brewer, Chairperson

#### ANNOUNCEMENT(S)

Priority designation(s) received:

Hughes - LB268  
 Natural Resources - LB700  
 Quick - LB149  
 General Affairs - LB397  
 General Affairs - LB592  
 Agriculture - LB320  
 Agriculture - LB227  
 Morfeld - LB352  
 Revenue - LB288  
 McDonnell - LB641

#### GENERAL FILE

**LEGISLATIVE BILL 311.** Senator Slama offered the following amendment to the committee amendment:

FA24

Amend AM570

On page 6, line 11, strike "12" and insert "6" and on line 14 strike "6" and insert "4".

#### SENATOR HUGHES PRESIDING

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 141.** Placed on Final Reading.  
**LEGISLATIVE BILL 318.** Placed on Final Reading.  
**LEGISLATIVE BILL 339.** Placed on Final Reading.

**LEGISLATIVE BILL 340.** Placed on Final Reading.  
ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "incarceration" in line 1 through line 4 has been struck and "corrections; to amend sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to incarceration work camps; to eliminate the incarceration work camp as a condition of probation; to" inserted.

**LEGISLATIVE BILL 354.** Placed on Final Reading.  
**LEGISLATIVE BILL 354A.** Placed on Final Reading.  
**LEGISLATIVE BILL 399.** Placed on Final Reading Second.  
**LEGISLATIVE BILL 443.** Placed on Final Reading.  
**LEGISLATIVE BILL 463.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 411.** Placed on Select File with amendment.  
ER52

1 1. In the Standing Committee amendments, AM514:  
 2 a. On page 10, line 7, strike "50" and insert "52"; and  
 3 b. On page 18, line 23, strike "Official", show as stricken, and  
 4 insert "official".  
 5 2. On page 1, strike beginning with "county" in line 1 through line  
 6 5 and insert "government; to amend sections 23-149, 23-202, 23-293,  
 7 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236,  
 8 32-552, 32-631, 32-803, 32-816, 32-901, 32-903, 32-910, 32-916, 32-952,  
 9 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121,  
 10 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03,  
 11 Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713,  
 12 23-148, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes  
 13 Cumulative Supplement, 2018; to change provisions relating to election of  
 14 the board of directors of a metropolitan utilities district; to change  
 15 election procedures relating to adoption of an economic development  
 16 program by a city; to provide an additional method of changing the number

17 of county commissioners; to change provisions relating to township  
 18 organization, ballot questions, and recall petitions and elections; to  
 19 redefine a term; to update a federal reference; to change and eliminate  
 20 Secretary of State duties; to prohibit use of and eliminate references to  
 21 electronic voting systems; to change provisions relating to voter  
 22 registration records; to require the provision of an approved election  
 23 district boundary map; to change provisions relating to petition  
 24 signature verification and publication of sample ballots; to authorize  
 25 the use of precinct-based optical scanners; to change provisions relating  
 26 to special elections by mail, ballots, recounts, and initiative and  
 27 referendum measures; to eliminate obsolete provisions; to define  
 1 electioneering; to change and eliminate prohibited activities near  
 2 polling places; to change requirements for certain elected officeholders  
 3 relating to a potential conflict of interest; to change a civil penalty  
 4 for a violation of the Nebraska Political Accountability and Disclosure  
 5 Act; to harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 217.** Placed on Select File with amendment.

ER49

1 1. On page 1, strike beginning with "Wage" in line 1 through line 4  
 2 and insert "Fair Employment Practice Act; to amend section 48-1114,  
 3 Reissue Revised Statutes of Nebraska; to prohibit discrimination against  
 4 employees for communicating about employee compensation as prescribed;"

**LEGISLATIVE BILL 269.** Placed on Select File with amendment.

ER50

1 1. On page 1, strike beginning with "the" in line 1 through line 4  
 2 and insert "operator's licenses; to amend section 43-287, Reissue Revised  
 3 Statutes of Nebraska, and sections 60-498.01, 60-4,118.06, 60-4,120.02,  
 4 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Cumulative Supplement,  
 5 2018; to change provisions relating to ignition interlock permits and  
 6 school permits; and to repeal the original sections."

**LEGISLATIVE BILL 270.** Placed on Select File with amendment.

ER53 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 46.** Introduced by Blood, 3; Albrecht, 17;  
 Arch, 14; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41;  
 Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn,  
 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran,  
 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9;  
 Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop,  
 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5;  
 Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35;

Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, March is Women's History Month and is a time to celebrate the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and

WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well-represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields. Thus, providing opportunities to support women in public office is imperative; and

WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities.

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

1. That the Legislature recognizes March 19, 2019, as Celebrating Women in Public Office Day and calls upon the people of this state to unite in supporting the success of women in public office with appropriate activities, events, and programs.

Laid over.

**LEGISLATIVE RESOLUTION 47.** Introduced by Scheer, 19.

WHEREAS, Nathan Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

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

Laid over.

**LEGISLATIVE RESOLUTION 48.** Introduced by Scheer, 19.

WHEREAS, Christopher Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

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

Laid over.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Briese - LB183  
 Legislative Performance Audit - LB560  
 State-Tribal Relations - LB519  
 Friesen - LB663  
 Murman - LB585  
 Groene - LB606  
 Appropriations - LB638  
 Appropriations - LB334  
 Stinner - LB424  
 Executive Board - LB713  
 Executive Board - LB600  
 Urban Affairs - LR14CA  
 Wayne - LB86  
 Arch - LB583  
 Albrecht - LB209  
 Bolz - LB109  
 Lathrop - LB538  
 Judiciary - LB686  
 Judiciary - LB630  
 B. Hansen - LB304  
 Clements - LB155

Revenue - LB289  
Legislature's Planning - LB436  
Moser - LB512  
Vargas - LB550  
Hilkemann - LB532  
Slama - LB593

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

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

Senator Hughes name added to LB209.  
Senator La Grone name added to LB640.  
Senator Slama name added to LB657.

**VISITOR(S)**

Visitors to the Chamber were Brenda, Samuel, Gary Scott, Molly, and Joanna Bennett from Red Cloud; Director General Gerry Chang and Director Jeffrey Liu from the Taipei Economic and Cultural Office; Aspect international exchange students from Germany, Ukraine, Armenia, Latvia, Tunisia, Sweden, Norway, and Brazil; members of the Leadership Lincoln County; students from Elm Creek Public Schools; and students from St. Michael Catholic School, Lincoln.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIFTH DAY - MARCH 20, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 20, 2019

**PRAYER**

The prayer was offered by Pastor Derek Geist, Mercy City Church, Lincoln.

**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 Walz and Wishart who were excused; and Senators Bostelman, Friesen, B. Hansen, and Kolowski who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 268.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 619.** Placed on Select File with amendment.  
ER51

1 1. On page 1, strike beginning with "require" in line 1 through line  
2 3 and insert "prohibit denial of coverage for mental health services  
3 delivered in a school; to define terms; and to provide for  
4 applicability.".

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 41 and 42 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 41 and 42.

**GENERAL FILE**

**LEGISLATIVE BILL 311.** Senator Slama renewed her amendment, FA24, found on page 916, to the committee amendment.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 49.** Introduced by Hughes, 44.

WHEREAS, Samuel McArtor of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Samuel displayed his commitment to community service by renovating the outdoor area of the Hastings Memorial Library in Grant by cleaning the area, replacing a retaining wall, and laying cement and rock around the new retaining wall; and

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

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

1. That the Legislature congratulates Samuel McArtor on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Samuel McArtor.

Laid over.

**LEGISLATIVE RESOLUTION 50.** Introduced by Hughes, 44.

WHEREAS, Matthew Aerni of Madrid has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Matthew displayed his commitment to community service by making upgrades to the park in the village of Madrid, installing handicapped-accessible sidewalks through the park that extend to both picnic shelters, bathrooms, and a park bench. Matthew's work also included repainting the basketball court, renetting a basketball hoop, replacing landscape timbers, and improving the park sign; and

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

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

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

Laid over.

**LEGISLATIVE RESOLUTION 51.** Introduced by Hughes, 44.

WHEREAS, Beau Wood of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Beau displayed his commitment to community service by making improvements to the park in the village of Madrid, installing a handicapped-accessible parking space and sidewalk leading to the park; and

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

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

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

Laid over.

**LEGISLATIVE RESOLUTION 52.** Introduced by Hughes, 44.

WHEREAS, Jarin Tines of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Jarin displayed his commitment to community service by building a chain-link fence around a dog park, creating an agility course inside the area, and installing waste removal dispensers; and

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

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

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

Laid over.

**LEGISLATIVE RESOLUTION 53.** Introduced by Vargas, 7; Wayne, 13.

WHEREAS, the Omaha South High Magnet School boys' basketball team, led by Coach Bruce Chubick, Sr., won the 2019 Class A Boys State Basketball Championship; and

WHEREAS, the Omaha South Packers defeated the Omaha Central Eagles by a score of 58-56 in a spirited contest where a last-second steal and layup by junior Ty Griggs won the title game; and

WHEREAS, the win marked the school's second state basketball championship title in the last four years and their sixth title overall; and

WHEREAS, Packers teammates Ta'Vion Anderson and Jay Saunders were named to the Class A all-tournament teams by both the Lincoln Journal Star and the Omaha World-Herald, with Ta'Vion also being named to the all-class all-tournament teams by the Lincoln Journal Star and the Omaha World-Herald and Jay being named to the all-class all-tournament team by the Omaha World-Herald; and

WHEREAS, the Legislature recognizes the hard work and dedication of the student-athletes, coaches, and parents of the Omaha South Packers boys' basketball team; and

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

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

1. That the Legislature congratulates the Omaha South boys' basketball team and their head coach, Bruce Chubick, Sr., on winning the 2019 Class A Boys State Basketball Championship.

2. That a copy of this resolution be sent to Omaha South High Magnet School and head coach, Bruce Chubick, Sr.

Laid over.

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

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

**LEGISLATIVE BILL 477A.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Sixth Legislature, First Session, 2019.

#### **GENERAL FILE**

**LEGISLATIVE BILL 169.** Title read. Considered.

Committee AM710, found on page 869, was offered.

Senator Groene offered the following amendment to the committee amendment:

AM804

(Amendments to Standing Committee amendments, AM710)

1 1. On page 1, line 24, strike "persons", show as stricken, and  
2 insert "individuals".

Pending.

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

Revenue

**LEGISLATIVE BILL 472.** Placed on General File.

**LEGISLATIVE BILL 483.** Placed on General File.

**LEGISLATIVE BILL 470.** Placed on General File with amendment.  
AM896 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

**ANNOUNCEMENT(S)**

Speaker priority bill/resolution designations are as follows:

LBs 6, 15, 23 37, 59, 87, 96, 179, 180, 212, 218, 222, 237, 300, 356, 375, 379, 445, 478, 496, 514, 524, 595, 637, and 690.

**GENERAL FILE**

**LEGISLATIVE BILL 169.** The Groene amendment, AM804, found in this day's Journal, to the committee amendment, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Appropriations

**LEGISLATIVE BILL 737.** Placed on General File.

(Signed) John Stinner, Chairperson

Urban Affairs

**LEGISLATIVE BILL 23.** Placed on General File with amendment.

AM795

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

2 sections:

3 Section 1. Section 13-3202, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 13-3202 The Legislature finds that:

6 (1) Energy efficiency and the use of renewable energy are important

7 for preserving the health and economic well-being of Nebraska's citizens.

8 Using less energy decreases the cost of living and keeps the cost of

9 public power low by delaying the need for additional power plants. By

10 building the market for energy efficiency and renewable energy products,

11 economic development will be encouraged and new jobs will be created for

12 Nebraskans in the energy efficiency and renewable energy job sectors;

13 (2) To further these goals, the state should promote energy

14 efficiency improvements and renewable energy systems;

15 (3) The upfront costs for energy efficiency improvements and

16 renewable energy systems prohibit many property owners from making

17 improvements. Therefore, it is necessary to authorize municipalities to

18 implement an alternative financing method through the creation of clean

19 energy assessment districts; and

20 (4) Public purposes ~~A public purpose~~ will be served by providing

21 municipalities with the authority to finance the installation of energy

22 efficiency improvements and renewable energy systems through the creation

23 of clean energy assessment districts. Such public purposes include, but

24 are not limited to, reduced energy and water costs, reduced greenhouse

25 gas emissions, economic stimulation and development, improved property

26 valuation, and increased employment.

27 Sec. 2. Section 13-3203, Revised Statutes Cumulative Supplement,  
1 2018, is amended to read:

2 13-3203 For purposes of the Property Assessed Clean Energy Act:

3 (1) Assessment contract means a contract entered into between a  
4 municipality, a property owner, and, if applicable, a third-party lender  
5 under which the municipality agrees to provide financing for an energy  
6 project in exchange for a property owner's agreement to pay an annual  
7 assessment for a period not to exceed the weighted average useful life of  
8 the energy project;

9 (2) Clean energy assessment district means a district created by a  
10 municipality to provide financing for energy projects;

11 (3) Energy efficiency improvement means any acquisition,  
12 installation, or modification benefiting publicly or privately owned  
13 property that is designed to reduce the electric, gas, water, or other  
14 utility demand or consumption of the buildings on or to be constructed on  
15 such property or to promote the efficient and effective management of  
16 natural resources or storm water, including, but not limited to:

17 (a) Insulation in walls, roofs, floors, foundations, or heating and  
18 cooling distribution systems;

19 (b) Storm windows and doors; multiglazed windows and doors; heat-  
20 absorbing or heat-reflective glazed and coated window and door systems;  
21 and additional glazing, reductions in glass area, and other window and  
22 door system modifications that reduce energy consumption;

23 (c) Automated energy control systems;

24 (d) Heating, ventilating, or air conditioning and distribution  
25 system modifications or replacements;

26 (e) Caulking, weatherstripping, and air sealing;

27 (f) Replacement or modification of lighting fixtures to reduce the  
28 energy use of the lighting system;

29 (g) Energy recovery systems, including, but not limited to,  
30 cogeneration and trigeneration systems;

31 (h) Daylighting systems;

1 (i) Installation or upgrade of electrical wiring or outlets to  
2 charge a motor vehicle that is fully or partially powered by electricity;

3 (j) Facilities providing for water conservation or pollutant  
4 control;

5 (k) Roofs designed to reduce energy consumption or support  
6 additional loads necessitated by other energy efficiency improvements;

7 (l) Installation of energy-efficient fixtures, including, but not  
8 limited to, water heating systems, escalators, and elevators;

9 (m) Energy efficiency related items so long as the cost of the  
10 energy efficiency related items financed by the municipality does not  
11 exceed twenty-five percent of the total cost of the energy project; and

12 (n) Any other installation or modification of equipment, devices, or  
13 materials approved as a utility cost-saving measure by the municipality;

14 (4) Energy efficiency related item means any repair, replacement,  
15 improvement, or modification to real property that is necessary or  
16 desirable in conjunction with an energy efficiency improvement,

17 including, but not limited to, structural support improvements and the  
 18 repair or replacement of any building components, paved surfaces, or  
 19 fixtures disrupted or altered by the installation of an energy efficiency  
 20 improvement;

21 (5) Energy project means the installation or modification of an  
 22 energy efficiency improvement or the acquisition, installation, or  
 23 improvement of a renewable energy system;

24 (6) Municipality means any county, city, or village in this state;

25 (7) Qualifying property means any of the following types of property  
 26 located within a municipality:

27 (a) Agricultural property;

28 (b) Commercial property, including multifamily residential property  
 29 comprised of more than four dwelling units;

30 (c) Industrial property; or

31 (d) Single-family residential property, which may include up to four  
 1 dwelling units;

2 (8)(a) Renewable energy resource means a resource that naturally  
 3 replenishes over time and that minimizes the output of toxic material in  
 4 the conversion to energy. Renewable energy resource includes, but is not  
 5 limited to, the following:

6 (i) Nonhazardous biomass;

7 (ii) Solar and solar thermal energy;

8 (iii) Wind energy;

9 (iv) Geothermal energy;

10 (v) Methane gas captured from a landfill or elsewhere; and

11 (vi) Photovoltaic systems; and

12 ~~(vii) Cogeneration and trigeneration systems; and~~

13 (b) Renewable energy resource does not include petroleum, nuclear  
 14 power, natural gas, coal, or hazardous biomass; and

15 (9) Renewable energy system means a fixture, product, device, or  
 16 interacting group of fixtures, products, or devices on the customer's  
 17 side of the meter that uses one or more renewable energy resources to  
 18 generate electricity. Renewable energy system includes a biomass stove  
 19 but does not include an incinerator.

20 Sec. 3. Section 13-3204, Revised Statutes Cumulative Supplement,  
 21 2018, is amended to read:

22 13-3204 (1) Pursuant to the procedures provided in this section, a  
 23 municipality may, from time to time, create one or more clean energy  
 24 assessment districts. Such districts may be separate, overlapping, or  
 25 coterminous and may be created anywhere within the municipality or its  
 26 extraterritorial zoning jurisdiction, except that a county shall not  
 27 create a district that includes any area within the corporate boundaries  
 28 or extraterritorial zoning jurisdiction of any city or village located in  
 29 whole or in part within such county. The governing body of the  
 30 municipality shall be the governing body for any district so created.

31 (2) Prior to creating any clean energy assessment district, the  
 1 municipality shall hold a public hearing at which the public may comment  
 2 on the creation of such district. Notice of the public hearing shall be  
 3 given by publication in a legal newspaper in or of general circulation in

4 the municipality at least ten days prior to the hearing.  
5 (3) After the public hearing, the municipality may create a clean  
6 energy assessment district by ordinance or, for counties, by resolution.  
7 The ordinance or resolution shall include:  
8 (a) A finding that the financing of energy projects is a valid  
9 public purpose;  
10 (b) A contract form to be used for assessment contracts between the  
11 municipality, the owner of the qualifying property, and, if applicable, a  
12 third-party lender governing the terms and conditions of financing and  
13 annual assessments;  
14 (c) Identification of an official authorized to enter into  
15 assessment contracts on behalf of the municipality;  
16 (d) An application process and eligibility requirements for  
17 financing energy projects;  
18 (e) An explanation of how annual assessments will be made and  
19 collected;  
20 (f) For energy projects involving residential property, a  
21 requirement that any interest rate on assessment installments must be a  
22 fixed rate;  
23 (g) For energy projects involving residential property, a  
24 requirement that the repayment period for assessments must be according  
25 to a fixed repayment schedule;  
26 (h) Information regarding the following, to the extent known, or  
27 procedures to determine the following in the future:  
28 (i) Provisions for an adequate debt service reserve fund created  
29 under section 13-3209, if applicable;  
30 (ii) Provisions for an adequate loss reserve fund created under  
31 section 13-3208; and  
1 (iii) Any application, administration, or other program fees to be  
2 charged to owners participating in the program that will be used to  
3 finance costs incurred by the municipality as a result of the program;  
4 (i) A requirement that the term of the annual assessments not exceed  
5 the weighted average useful life of the energy project paid for by the  
6 annual assessments;  
7 (j) A requirement that any energy efficiency improvement that is not  
8 permanently affixed to the qualifying property upon which an annual  
9 assessment is imposed to repay the cost of such energy efficiency  
10 improvement must be conveyed with the qualifying property if a transfer  
11 of ownership of the qualifying property occurs;  
12 (k) A requirement that, prior to the effective date of any contract  
13 that binds the purchaser to purchase qualifying property upon which an  
14 annual assessment is imposed, the owner shall provide notice to the  
15 purchaser that the purchaser assumes responsibility for payment of the  
16 annual assessment as provided in subdivision (3)(d) of section 13-3205;  
17 (l) Provisions for marketing and participant education;  
18 (m) A requirement that ~~after the energy project is completed,~~ the  
19 municipality ~~shall~~ obtain verification that the renewable energy system  
20 or energy efficiency improvement was properly installed and is operating  
21 as intended; and

22 (n) A requirement that the clean energy assessment district, with  
23 respect to single-family residential property, comply with the Property  
24 Assessed Clean Energy Act and with directives or guidelines issued by the  
25 Federal Housing Administration and the Federal Housing Finance Agency on  
26 or after January 1, 2016, relating to property assessed clean energy  
27 financing.

28 Sec. 4. Section 13-3205, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 13-3205 (1) After passage of an ordinance or resolution under  
31 section 13-3204, a municipality may enter into an assessment contract  
1 with the record owner of qualifying property within a clean energy  
2 assessment district and, if applicable, with a third-party lender to  
3 finance an energy project on the qualifying property. The costs financed  
4 under the assessment contract may include the cost of materials and labor  
5 necessary for installation, permit fees, inspection fees, application and  
6 administrative fees, bank fees, and all other fees ~~that may be~~ incurred  
7 by the owner pursuant to the installation. The assessment contract shall  
8 provide for the repayment of all such costs through annual assessments  
9 upon the qualifying property benefited by the energy project. A  
10 municipality may not impose an annual assessment under the Property  
11 Assessed Clean Energy Act unless such annual assessment is part of an  
12 assessment contract entered into under this section.

13 (2) Before entering into an assessment contract with an owner and,  
14 if applicable, a third-party lender under this section, the municipality  
15 shall verify:

16 (a) In all cases involving qualifying property other than single-  
17 family residential property, that the owner has obtained an acknowledged  
18 and verified written consent and subordination agreement executed by each  
19 mortgage holder or trust deed beneficiary stating that the mortgagee or  
20 beneficiary consents to the imposition of the annual assessment and that  
21 the priority of the mortgage or trust deed is subordinated to the PACE  
22 lien established in section 13-3206. The consent and subordination  
23 agreement shall be in a form and substance acceptable to each mortgagee  
24 or beneficiary and shall be recorded in the office of the register of  
25 deeds of the county in which the qualifying property is located;

26 (b) That there are no delinquent taxes, special assessments, water  
27 or sewer charges, or any other assessments levied on the qualifying  
28 property; that there are no involuntary liens, including, but not limited  
29 to, construction liens, on the qualifying property; and that the owner of  
30 the qualifying property is current on all debt secured by a mortgage or  
31 trust deed encumbering or otherwise securing the qualifying property;

1 (c) That there are no delinquent annual assessments on the  
2 qualifying property which were imposed to pay for a different energy  
3 project under the Property Assessed Clean Energy Act; and

4 (d) That there are sufficient resources to complete the energy  
5 project and that the energy project creates an estimated economic  
6 benefit, including, but not limited to, energy and water cost savings,  
7 maintenance cost savings, and other property operating savings expected  
8 ~~from the energy project~~ during the financing period, which is equal to or

9 greater than the principal cost of the energy project. The estimated  
10 economic benefit may be derived from federal, state, or third-party  
11 engineer certifications or from standards of energy or water savings  
12 associated with a particular energy efficiency improvement or set of  
13 energy efficiency improvements. A municipality may waive the requirements  
14 of this subdivision upon request of the owner of the qualifying property,  
15 and, if such request is denied, the owner may appeal the denial as  
16 provided by the ordinance or resolution adopted pursuant to section  
17 13-3204 or as otherwise provided by local ordinance or resolution.  
18 (3) Upon completion of the verifications required under subsection  
19 (2) of this section, an assessment contract may be executed by the  
20 municipality, the owner of the qualifying property, and, if applicable, a  
21 third-party lender and shall provide:  
22 (a) A description of the energy project, including the estimated  
23 cost of the energy project and a description of the estimated savings  
24 prepared in accordance with standards acceptable to the municipality;  
25 (b) A mechanism for:  
26 (i) Verifying the final costs of the energy project upon its  
27 completion; and  
28 (ii) Ensuring that any amounts advanced, financed, or otherwise paid  
29 by the municipality toward the costs of the energy project will not  
30 exceed the final cost of the energy project;  
31 (c) An agreement by the property owner to pay annual assessments for  
1 a period not to exceed the weighted average useful life of the energy  
2 project;  
3 (d) A statement that the obligations set forth in the assessment  
4 contract, including the obligation to pay annual assessments, are a  
5 covenant that shall run with the land and be obligations upon future  
6 owners of the qualifying property; and  
7 (e) An acknowledgment that no subdivision of qualifying property  
8 subject to the assessment contract shall be valid unless the assessment  
9 contract or an amendment to such contract divides the total annual  
10 assessment due between the newly subdivided parcels pro rata to the  
11 special benefit realized by each subdivided parcel.  
12 (4) The total annual assessments levied against qualifying property  
13 under an assessment contract shall not exceed the sum of the cost of the  
14 energy project, including any energy audits or inspections or portion  
15 thereof financed by the municipality, plus such administration fees,  
16 interest, and other financing costs reasonably required by the  
17 municipality.  
18 (5) Nothing in the Property Assessed Clean Energy Act shall be  
19 construed to prevent a municipality from entering into more than one  
20 assessment contract with respect to a single parcel of real property so  
21 long as each assessment contract relates to a separate energy project and  
22 subdivision (2)(c) of this section is not violated.  
23 (6) The municipality shall provide a copy of each signed assessment  
24 contract to the county assessor and register of deeds of the county in  
25 which the qualifying property is located, and the register of deeds shall  
26 record the assessment contract with the qualifying property.

27 (7) Annual assessments agreed to under an assessment contract shall  
 28 be levied against the qualifying property and collected at the same time  
 29 and in the same manner as property taxes are levied and collected, except  
 30 that an assessment contract for qualifying property other than single-  
 31 family residential property may allow third-party lenders to collect  
 1 annual assessments directly from the owner of the qualifying property in  
 2 a manner prescribed in the assessment contract. Any third-party lender  
 3 collecting annual assessments directly from the owner of the qualifying  
 4 property shall notify the municipality within three business days if an  
 5 annual assessment becomes delinquent.

6 (8) Collection of annual assessments shall only be sought from the  
 7 original owners or subsequent purchasers of qualifying property subject  
 8 to an assessment contract.

9 Sec. 5. Original sections 13-3202, 13-3203, 13-3204, and 13-3205,  
 10 Revised Statutes Cumulative Supplement, 2018, are repealed.

11 Sec. 6. Since an emergency exists, this act takes effect when  
 12 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1525

Thursday, March 28, 2019 1:30 p.m.

AM614

Note: Amendment to LB481

(Signed) John Stinner, Chairperson

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

Senator Gragert filed the following amendment to LB243:  
 AM789

(Amendments to Standing Committee amendments, AM640)

- 1 1. On page 4, line 5, strike "annual".
- 2 2. On page 5, line 2, strike "each fiscal year".

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 231A.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 231, One Hundred Sixth Legislature, First Session, 2019; and to provide an operative date.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 54.** Introduced by Murman, 38; Arch, 14; Bolz, 29; Brandt, 32; Briese, 41; Dorn, 30; Halloran, 33; Howard, 9; Hughes, 44; Lowe, 37; Moser, 22; Williams, 36.

WHEREAS, the Mosaic School in Axtell recently became the first Certified Autism Center in the state; and

WHEREAS, the Mosaic School is one of only five learning and tutoring centers nationwide to receive such designation from the International Board of Credentialing and Continuing Education Standards; and

WHEREAS, the certification requires 80 percent of staff to be trained and certified as autism specialists, but the Mosaic School chose to train and certify 100 percent of staff, showing their dedication and commitment to professional growth; and

WHEREAS, the Mosaic School is bringing innovative services to rural Nebraska for children with intellectual and developmental disabilities; and

WHEREAS, the Mosaic School serves more than 30 students in rural Nebraska and partners with local school districts to provide specialized supports and improved outcomes for students with autism.

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

1. That the Legislature congratulates the Mosaic School in Axtell on becoming the first Certified Autism Center in Nebraska.

2. That a copy of this resolution be sent to the Mosaic School in Axtell.

Laid over.

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

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

Senator McCollister name added to LB352.

**VISITOR(S)**

Visitors to the Chamber were Audrey Denney from California; students from Pershing Elementary School, Lexington; Brad and Susan Stockwell from Bellevue; students from Wildewood Elementary School, Ralston; Michelle Suarez from Lincoln and Cara Small from Martell; students and teachers from York College; and a group from Heartland Workers Center from Omaha, Bellevue, Schuyler, Columbus, and Grand Island.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, March 21, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SIXTH DAY - MARCH 21, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 21, 2019

**PRAYER**

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

**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 Senator Walz who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 227.** Placed on General File with amendment.  
AM746

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

2 sections:

3 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 2-4403 A farm or farm operation or a public grain warehouse or

6 public grain warehouse operation shall not be found to be a public or

7 private nuisance if:

8 (1) The ~~the~~ farm or farm operation or public grain warehouse or

9 public grain warehouse operation existed before a change in the land use

10 or occupancy of land in and about the locality of such farm or farm

11 operation or public grain warehouse or public grain warehouse operation

12 and before such change in land use or occupancy of land the farm or farm

13 operation or public grain warehouse or public grain warehouse operation

14 would not have been a nuisance; or -

15 (2)(a) Reasonable techniques are employed to keep dust, noise,

16 insects, and odors at a minimum and the farm or farm operation or public  
 17 grain warehouse or public grain warehouse operation is in compliance with  
 18 applicable laws and regulations, including any zoning regulations of a  
 19 local governing body; and

20 (b) There is no significant change in the farm or farm operation or  
 21 public grain warehouse or public grain warehouse operation and such farm  
 22 or farm operation or public grain warehouse or public grain warehouse  
 23 operation has been in operation for more than one year and was not a  
 24 nuisance at the time it began. For purposes of this subdivision, a  
 25 significant change in a farm or farm operation or public grain warehouse  
 26 or public grain warehouse operation does not include:

27 (i) The conversion from one type of farm or farm operation or public  
 1 grain warehouse or public grain warehouse operation to another type of  
 2 farm or farm operation or public grain warehouse or public grain  
 3 warehouse operation;

4 (ii) A change in ownership or size of the farm or farm operation or  
 5 public grain warehouse or public grain warehouse operation;

6 (iii) The enrollment, reduction, or cessation of participation in a  
 7 government program by the farm or farm operation or public grain  
 8 warehouse or public grain warehouse operation; or

9 (iv) Adoption of new technology by the farm or farm operation or  
 10 public grain warehouse or public grain warehouse operation.

11 Sec. 2. Original section 2-4403, Reissue Revised Statutes of  
 12 Nebraska, is repealed.

(Signed) Steve Halloran, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 20, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Forrest, Sarah  
 Nebraska Alliance of Child Advocacy Centers

#### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 141.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115 and 28-310.01, Reissue Revised Statutes of Nebraska; to prohibit assault by strangulation or suffocation as prescribed; to provide for an enhanced penalty for assault by strangulation or suffocation of a pregnant woman; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer           Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 318.**

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to petroleum products liens; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer           Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to judges; to amend section 24-803, Reissue Revised Statutes of Nebraska; to change provisions relating to judicial nominating commissions; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Wayne
Bostelman	Friesen	Hughes	Morfeld	Williams
Brandt	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

La Grone

Excused and not voting, 2:

Brewer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 340.**

A BILL FOR AN ACT relating to corrections; to amend sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to incarceration work camps; to eliminate the incarceration work camp as a condition of probation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Williams
Brandt	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 2:

Brewer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB354 with 38 ayes, 6 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 354.**

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-260.04, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska; to change requirements for juvenile pretrial diversion programs; to change provisions relating to the sealing of juvenile records; to provide for retroactivity; to increase a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Wayne
Bostelman	Friesen	Hughes	Morfeld	Williams
Brandt	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 2:

Brewer          Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 354A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	Linehan	Stinner
Brandt	Friesen	Howard	McCollister	Vargas
Briese	Geist	Hughes	McDonnell	Wayne
Cavanaugh	Gragert	Hunt	Morfeld	Williams
Chambers	Groene	Kolowski	Moser	Wishart
Clements	Halloran	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Arch	Low	Scheer
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Excused and not voting, 2:

Brewer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 399.**

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska; to change the name of and provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hansen, B.	Lindstrom	Quick
Arch	DeBoer	Hansen, M.	Linehan	Scheer
Blood	Dorn	Hilgers	Lowe	Slama
Bolz	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Vargas
Brandt	Geist	Kolowski	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh	Groene	La Grone	Murman	Wishart
Clements	Halloran	Lathrop	Pansing Brooks	

Voting in the negative, 2:

Chambers      Hunt

Present and not voting, 1:

Howard

Excused and not voting, 2:

Brewer          Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 443.**

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-181, Reissue Revised Statutes of Nebraska; to require the Department of Correctional Services to allow committed offenders to communicate with their attorneys as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Blood	Dorn	Hunt	McDonnell	Vargas
Bolz	Friesen	Kolowski	Morfeld	Wayne
Brandt	Gragert	Kolterman	Murman	Williams
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Hilkemann	Lindstrom	Quick	
Crawford	Howard	Linehan	Scheer	
DeBoer	Hughes	McCollister	Stinner	

Voting in the negative, 9:

Albrecht	Clements	Geist	Halloran	Lowe
Bostelman	Erdman	Groene	Hilgers	

Present and not voting, 6:

Arch	Hansen, B.	Moser
Briese	La Grone	Slama

Excused and not voting, 2:

Brewer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 463.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1837, and 77-1837.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to real property sold for delinquent taxes, the process for issuing treasurer's tax deeds, and tax sale certificates; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1824.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer	Walz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 141, 318, 339, 340, 354, 354A, 399, 443, and 463.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 550.** Placed on General File with amendment.  
AM530

1 1. Strike the original sections and insert the following new  
2 section:  
3 Section 1. No municipality shall impose any tax or fee related to  
4 wireless and prepaid wireless services after the effective date of this  
5 act unless and until the question of whether to impose such tax or fee  
6 has been submitted at a primary, general, or special election held within  
7 the municipality and in which all registered voters shall be entitled to  
8 vote on such question. The officials of the municipality shall order the  
9 submission of the question by submitting a certified copy of the  
10 resolution proposing the tax or fee to the election commissioner or  
11 county clerk by March 1 for a primary election, by September 1 for a  
12 general election, or at least fifty days before a special election. The  
13 election shall be conducted in accordance with the Election Act. If a  
14 majority of the votes cast upon such question are in favor of such tax or  
15 fee, then the governing body of such municipality shall be empowered to  
16 impose such tax or fee. If a majority of those voting on the question are  
17 opposed to such tax or fee, then the governing body of the municipality  
18 shall not impose such tax or fee.

**LEGISLATIVE BILL 641.** Placed on General File with amendment.  
AM724

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. (1) For purposes of this section, 211 Information and  
4 Referral Network means a statewide information and referral network  
5 providing information to the public regarding disaster and emergency  
6 response and health and human services provided by public and private  
7 entities throughout the state.  
8 (2) The Public Service Commission shall award a grant annually to a  
9 211 Information and Referral Network which submits an application and  
10 meets the requirements of this section. The amount of each grant shall be  
11 three hundred thousand dollars.  
12 (3) To be eligible for a grant, the 211 Information and Referral  
13 Network shall update the information and referral services on the network  
14 at least annually, shall geographically index the services to provide  
15 information on a county-by-county basis, and shall be accredited as  
16 meeting the standards for service delivery and quality by the Alliance of

17 Information and Referral Systems or a similar organization approved by  
18 the commission.

19 (4) The grant may be used to establish a web site which includes  
20 links to providers of health and human services, the name, address, and  
21 telephone number of any organization listed on the web site, a  
22 description of the type of services provided by the organization, and  
23 other information to educate the public about the health and human  
24 services available on a geographic basis. The grant may also be used to  
25 provide access to the network twenty-four hours per day, seven days per  
26 week, through telephone access and web site access.

27 Sec. 2. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
3 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
4 on or before July 15, 2014, (b) sixty million three hundred fifty  
5 thousand dollars on or before July 15, 2015, (c) sixty million three  
6 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
7 million seven hundred thousand dollars on or before July 15, 2017, (e)  
8 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
9 million six hundred thousand dollars on or before July 15, 2018, (g)  
10 sixty-one million three hundred fifty thousand dollars on or before July  
11 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or  
12 before every July 15 thereafter from the Nebraska Medicaid  
13 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
14 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
15 be reduced by the amount of the unobligated balance in the Nebraska  
16 Health Care Cash Fund at the time the transfer is made. The state  
17 investment officer shall advise the State Treasurer on the amounts to be  
18 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
19 until the fund balance is depleted and from the Nebraska Tobacco  
20 Settlement Trust Fund thereafter in order to sustain such transfers in  
21 perpetuity. The state investment officer shall report electronically to  
22 the Legislature on or before October 1 of every even-numbered year on the  
23 sustainability of such transfers. The Nebraska Health Care Cash Fund  
24 shall also include money received pursuant to section 77-2602. Except as  
25 otherwise provided by law, no more than the amounts specified in this  
26 subsection may be appropriated or transferred from the Nebraska Health  
27 Care Cash Fund in any fiscal year.

28 The State Treasurer shall transfer ten million dollars from the  
29 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
30 June 28, 2018, and June 28, 2019.

31 Except as otherwise provided in subsection (6) of this section, it  
1 ~~is~~ is the intent of the Legislature that no additional programs are  
2 funded through the Nebraska Health Care Cash Fund until funding for all  
3 programs with an appropriation from the fund during FY2012-13 are  
4 restored to their FY2012-13 levels.

5 (2) Any money in the Nebraska Health Care Cash Fund available for  
6 investment shall be invested by the state investment officer pursuant to  
7 the Nebraska Capital Expansion Act and the Nebraska State Funds

8 Investment Act.

9 (3) The University of Nebraska and postsecondary educational  
10 institutions having colleges of medicine in Nebraska and their affiliated  
11 research hospitals in Nebraska, as a condition of receiving any funds  
12 appropriated or transferred from the Nebraska Health Care Cash Fund,  
13 shall not discriminate against any person on the basis of sexual  
14 orientation.

15 (4) The State Treasurer shall transfer fifty thousand dollars on or  
16 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
17 Board of Regents of the University of Nebraska for the University of  
18 Nebraska Medical Center. It is the intent of the Legislature that these  
19 funds be used by the College of Public Health for workforce training.

20 (5) It is the intent of the Legislature that the cost of the staff  
21 and operating costs necessary to carry out the changes made by Laws 2018,  
22 LB439, and not covered by fees or federal funds shall be funded from the  
23 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

24 (6) The State Treasurer shall transfer three hundred thousand  
25 dollars on or before September 15, 2019, and on or before September 15,  
26 2020, from the Nebraska Health Care Cash Fund to the Public Service  
27 Commission for grants to be awarded pursuant to section 1 of this act.  
28 Sec. 3. Original section 71-7611, Reissue Revised Statutes of  
29 Nebraska, is repealed.

(Signed) Curt Friesen, Chairperson

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

Senator Kolterman filed the following amendment to LB34:  
AM915

(Amendments to Standing Committee amendments, AM591)

1 1. On page 46, line 4, strike "a total of" and show as stricken.

#### **GENERAL FILE**

**LEGISLATIVE BILL 169.** Senator Groene renewed his amendment,  
AM804, found on page 927 and considered on page 928, to the committee  
amendment.

#### **SPEAKER SCHEER PRESIDING**

Pending.

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

Senator Hunt filed the following amendment to LB169:  
AM922

(Amendments to Standing Committee amendments, AM710)

1 1. Strike original section 1 and all amendments thereto and insert  
2 the following new section:

3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 68-1017.02 (1)(a) The Department of Health and Human Services shall  
6 apply for and utilize to the maximum extent possible, within limits  
7 established by the Legislature, any and all appropriate options available  
8 to the state under the federal Supplemental Nutrition Assistance Program  
9 and regulations adopted under such program to maximize the number of  
10 Nebraska residents being served under such program within such limits.  
11 The department shall seek to maximize federal funding for such program  
12 and minimize the utilization of General Funds for such program and shall  
13 employ the personnel necessary to determine the options available to the  
14 state and issue the report to the Legislature required by subdivision (b)  
15 of this subsection.

16 (b) The department shall submit electronically an annual report to  
17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
1 program.

2 (c) The Health and Human Services Committee of the Legislature,  
3 after receipt and evaluation of the report required in subdivision (b) of  
4 this subsection, shall issue recommendations to the department on any  
5 further action necessary by the department to meet the requirements of  
6 this section.

7 (2)(a) The department shall develop a state outreach plan to promote  
8 access by eligible persons to benefits of the Supplemental Nutrition  
9 Assistance Program. The plan shall meet the criteria established by the  
10 Food and Nutrition Service of the United States Department of Agriculture  
11 for approval of state outreach plans. The Department of Health and Human  
12 Services may apply for and accept gifts, grants, and donations to develop  
13 and implement the state outreach plan.

14 (b) For purposes of developing and implementing the state outreach  
15 plan, the department shall partner with one or more counties or nonprofit  
16 organizations. If the department enters into a contract with a nonprofit  
17 organization relating to the state outreach plan, the contract may  
18 specify that the nonprofit organization is responsible for seeking  
19 sufficient gifts, grants, or donations necessary for the development and  
20 implementation of the state outreach plan and may additionally specify  
21 that any costs to the department associated with the award and management  
22 of the contract or the implementation or administration of the state  
23 outreach plan shall be paid out of private or federal funds received for  
24 development and implementation of the state outreach plan.

25 (c) The department shall submit the state outreach plan to the Food

26 and Nutrition Service of the United States Department of Agriculture for  
27 approval on or before August 1, 2011, and shall request any federal  
28 matching funds that may be available upon approval of the state outreach  
29 plan. It is the intent of the Legislature that the State of Nebraska and  
30 the Department of Health and Human Services use any additional public or  
31 private funds to offset costs associated with increased caseload  
1 resulting from the implementation of the state outreach plan.

2 (d) The department shall be exempt from implementing or  
3 administering a state outreach plan under this subsection, but not from  
4 developing such a plan, if it does not receive private or federal funds  
5 sufficient to cover the department's costs associated with the  
6 implementation and administration of the plan, including any costs  
7 associated with increased caseload resulting from the implementation of  
8 the plan.

9 (3)(a)(i) On or before October 1, 2011, the department shall create  
10 a TANF-funded program or policy that, in compliance with federal law,  
11 establishes categorical eligibility for federal food assistance benefits  
12 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
13 number of Nebraska residents being served under such program in a manner  
14 that does not increase the current gross income eligibility limit.

15 (ii) Such TANF-funded program or policy shall eliminate all asset  
16 limits for eligibility for federal food assistance benefits, except that  
17 the total of liquid assets which includes cash on hand and funds in  
18 personal checking and savings accounts, money market accounts, and share  
19 accounts shall not exceed twenty-five thousand dollars pursuant to the  
20 Supplemental Nutrition Assistance Program, as allowed under federal law  
21 and under 7 C.F.R. 273.2(j)(2).

22 (iii) This subsection becomes effective only if the department  
23 receives funds pursuant to federal participation that may be used to  
24 implement this subsection.

25 (b) For purposes of this subsection:

26 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
27 U.S.C. 2011 et seq., and regulations adopted under the act; and

28 (ii) TANF means the federal Temporary Assistance for Needy Families  
29 program established in 42 U.S.C. 601 et seq.

30 (4)(a) As authorized under 21 U.S.C. 862a(d) and within ~~Within~~ the  
31 limits specified in this subsection, the State of Nebraska opts out of  
1 the provision of the federal Personal Responsibility and Work Opportunity  
2 Reconciliation Act of 1996, as such act existed on January 1, 2009, that  
3 eliminates eligibility for the Supplemental Nutrition Assistance Program  
4 for any person convicted of a felony involving the possession, use, or  
5 distribution of a controlled substance.

6 (b) Except as otherwise provided in subdivision (c) of this  
7 subsection, a person convicted of a felony involving the possession or  
8 use of a controlled substance shall only be eligible for Supplemental  
9 Nutrition Assistance Program benefits if such person (i) has completed  
10 her or his sentence for such felony, including any term of parole,  
11 probation, or post-release supervision, or (ii) is serving a term of  
12 parole, probation, or post-release supervision for such felony.

13 (c) A person shall be ineligible for Supplemental Nutrition  
 14 Assistance Program benefits under this subsection if he or she (i) has  
 15 had three or more felony convictions for the possession or use of a  
 16 controlled substance or (ii) has been convicted of a felony involving the  
 17 sale or distribution of a controlled substance or the intent to sell or  
 18 distribute a controlled substance. ~~A person with one or two felony  
 19 convictions for the possession or use of a controlled substance shall  
 20 only be eligible to receive Supplemental Nutrition Assistance Program  
 21 benefits under this subsection if he or she is participating in or has  
 22 completed a state licensed or nationally accredited substance abuse  
 23 treatment program since the date of conviction. The determination of such  
 24 participation or completion shall be made by the treatment provider  
 25 administering the program.~~

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

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

**LEGISLATIVE BILL 483A.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 483, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

#### **GENERAL FILE**

**LEGISLATIVE BILL 243.** Title read. Considered.

Committee AM640, found on page 834, was offered.

Senator Gragert offered his amendment, AM789, found on page 934, to the committee amendment.

#### **PRESIDENT FOLEY PRESIDING**

The Gragert amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

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 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

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

Transportation and Telecommunications

**LEGISLATIVE BILL 138.** Placed on General File with amendment. AM783 is available in the Bill Room.

**LEGISLATIVE BILL 356.** Placed on General File with amendment. AM731 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 55.** Introduced by Kolterman, 24.

WHEREAS, Tim Teegerstrom began working at Polk County Rural Public Power District while still in high school as a part-time groundman; and

WHEREAS, Tim served the district honorably in several integral positions, eventually working his way up to Safety Director; and

WHEREAS, under Tim's leadership as Safety Director, the Polk County Rural Public Power District celebrated over ten years without a lost time accident, embodying the motto "Work Safe, Home Safe"; and

WHEREAS, Tim retired from the Polk County Rural Public Power District after nearly 45 years of service.

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

1. That the Legislature recognizes Tim Teegerstrom for his many years of service to the Polk County Rural Public Power District and congratulates him on his retirement.
2. That a copy of this resolution be sent to Tim Teegerstrom.

Laid over.

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

Senator Hunt filed the following amendment to LB169:

FA25

Amend AM710

On page 3, strike "being served" and insert "serviced".

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 21, 2019, at 11:30 a.m. were the following: LBs 141, 318, 339, 340, 354, 354A, 399, 443, and 463.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**MESSAGE(S) FROM THE GOVERNOR**

March 21, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 8, 16, 29, 48, 112, 112A, 116, 124e, 125, 127, 139, 145, 156, 160, 195, 224, 284e, 302e, 319, 384, 486, 575, 660e, 660Ae, and 699 were received in my office on March 15, 2019.

These bills were signed and delivered to the Secretary of State on March 21, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

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

Senator Murman name added to LB15.  
Senator Gragert name added to LB15.  
Senator Briese name added to LB15.  
Senator Brandt name added to LB15.  
Senator Lowe name added to LB15.  
Senator Williams name added to LB352.  
Senator Slama name added to LB584.

**VISITOR(S)**

Visitors to the Chamber were students from elementary schools in Chapman, St. Libory, and Grand Island; students, teacher, and sponsors from Southwest High School, Bartley; members of Leadership Tomorrow and Leadership Hastings from Grand Island and Hastings; Tammy and Tom Hanson from Lincoln and Bettania Heaton from Roca; and the Executive Director of the YWCA of Lincoln, Karen Bell-Dancy.

The Doctor of the Day was Dr. Steven Williams from Omaha.

**ADJOURNMENT**

At 11:42 a.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Monday, March 25, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SEVENTH DAY - MARCH 25, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 25, 2019

**PRAYER**

The prayer was offered by Bishop Evan Clark, Church of Jesus Christ of Latter-day Saints, Bellevue.

**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 Brewer who was excused; and Senators Bolz, Cavanaugh, Chambers, Morfeld, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 43 and 44 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 43 and 44.

**GENERAL FILE**

**LEGISLATIVE BILL 390.** Title read. Considered.

Committee AM408, found on page 599, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 511.** Placed on Select File with amendment.  
ER56 is available in the Bill Room.

**LEGISLATIVE BILL 34.** Placed on Select File with amendment.  
ER54

1 1. On page 1, strike lines 2 through 8 and insert "23-2321, 23-2331,  
2 79-901, 79-927, 79-956, 79-971, 79-9,106, 84-1321.01, 84-1322, 84-1323,  
3 and 84-1331, Reissue Revised Statutes of Nebraska, and sections 23-2306,  
4 23-2308.01, 23-2317, 23-2319.01, 79-902, 79-921, 79-934, 79-978.01,  
5 79-9,100, 84-1307, 84-1309.02, 84-1319, and 84-1503, Revised Statutes  
6 Cumulative Supplement, 2018; to eliminate provisions relating to benefits  
7 payable after the filing of a grievance or appeal and change provisions  
8 relating to reemployment, reinstatement, repayment, and age eligibility  
9 regarding certain retirement system members under the County Employees  
10 Retirement Act and State Employees Retirement Act; to redefine creditable  
11 service for certain member employees, change a deadline for payment for  
12 restoration of relinquished creditable service, and change provisions  
13 relating to required forms of payment and service credit computation  
14 under the School Employees Retirement Act; to change provisions relating  
15 to a designated beneficiary determination under the Retirement System for  
16 Nebraska Counties, the School Employees Retirement System of the State of  
17 Nebraska, any school employees retirement system established under the  
18 Class V School Employees Retirement Act, and the State Employees  
19 Retirement System of the State of Nebraska; to provide a duty for the  
20 Public Employees Retirement Board as prescribed; to harmonize provisions;  
21 to provide severability; to repeal the original sections; and to declare  
22 an emergency."

**LEGISLATIVE BILL 348.** Placed on Select File.

**LEGISLATIVE BILL 405.** Placed on Select File.

**LEGISLATIVE BILL 130.** Placed on Select File with amendment.  
ER55

1 1. On page 8, line 22, strike the period and insert an underscored  
2 colon.

**LEGISLATIVE BILL 130A.** Placed on Select File.

**LEGISLATIVE BILL 409.** Placed on Select File.

**LEGISLATIVE BILL 243.** Placed on Select File with amendment.  
ER57

1 1. On page 1, line 1, after the semicolon insert "to amend section  
2 81-2,162.27, Revised Statutes Cumulative Supplement, 2018;"; and in line  
3 2 strike the last "and" and strike "reports" and insert "a report; to  
4 provide for termination; to add a use for the Fertilizers and Soil  
5 Conditioners Administrative Fund; to repeal the original section; and to

6 declare an emergency".

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 56.** Introduced by Howard, 9.

WHEREAS, Reverend Keith Winton was called to ministry ten years ago to devote himself to full-time service in the Episcopal Church; and

WHEREAS, Reverend Keith Winton received his Master of Divinity from the Sioux Falls Seminary in South Dakota; and

WHEREAS, Reverend Keith Winton began his pastoral work as an intern at St. Martin of Tours Episcopal Church in Omaha; and

WHEREAS, Reverend Keith Winton, upon his ordination as a deacon, served at St. David of Wales in Lincoln and as a part-time chaplain at the University of Nebraska Medical Center; and

WHEREAS, the Right Reverend J. Scott Barker, XI Bishop of Nebraska, ordained Reverend Keith Winton to the sacred order of priests in the Episcopal Church on March 3, 2019; and

WHEREAS, Reverend Keith Winton now begins his new ministerial service at All Saints Episcopal Church in Omaha.

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

1. That the Legislature congratulates Reverend Keith Winton on his ordination as a priest in the Episcopal Church.
2. That a copy of this resolution be sent to Reverend Keith Winton.

Laid over.

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

Senator Hughes filed the following amendment to LB243:  
AM937

(Amendments to Standing Committee amendments, AM640)

- 1 1. On page 2, lines 22 and 23, after "Legislature" insert ", or his
- 2 or her designee".

**GENERAL FILE**

**LEGISLATIVE BILL 320.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 603.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 713.** Title read. Considered.

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

**LEGISLATIVE BILL 316.** Title read. Considered.

Committee AM778, found on page 912, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 218.** Title read. Considered.

Committee AM536, found on page 803, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 59.** Title read. Considered.

Committee AM622, found on page 869, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 514.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 14CA.** Read. Considered.

Senator Groene offered the following amendment:

FA26

Line 1, page 2 strike "more than one-half" and replace with 100%.

Pending.

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 397.** Placed on General File.

**LEGISLATIVE BILL 41.** Placed on General File with amendment.  
AM244

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

3 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City  
6 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle  
7 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section  
8 9-701 shall be administered and enforced by the Charitable Gaming  
9 Division of the Department of Revenue, which division is hereby created.  
10 The Department of Revenue shall make annual reports to the Governor,  
11 Legislature, Auditor of Public Accounts, and Attorney General on all tax  
12 revenue received, expenses incurred, and other activities relating to the  
13 administration and enforcement of such acts. The report submitted to the  
14 Legislature shall be submitted electronically.

15 (2) The Charitable Gaming Operations Fund is hereby created. Any  
16 money in the fund available for investment shall be invested by the state  
17 investment officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act.

19 (3)(a) Forty percent of the taxes collected pursuant to sections  
20 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
21 Gaming Division for administering and enforcing the acts listed in  
22 subsection (1) of this section and providing administrative support for  
23 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
24 shall be transferred to the General Fund. Any portion of the forty  
25 percent not used by the division in the administration and enforcement of  
26 such acts and section shall be distributed as provided in this  
27 subsection.

1 (b) On or before the last day of the last month of each calendar  
2 quarter ~~November 1 each year~~, the State Treasurer shall transfer one  
3 hundred thousand dollars from the Charitable Gaming Operations Fund to  
4 the Compulsive Gamblers Assistance Fund, ~~except that no transfer shall~~  
5 ~~occur if the Charitable Gaming Operations Fund contains less than one~~  
6 ~~hundred thousand dollars.~~

7 (c) Any money remaining in the Charitable Gaming Operations Fund  
8 after the quarterly transfers ~~transfer~~ pursuant to subdivision (b) of  
9 this subsection not used by the Charitable Gaming Division in its  
10 administration and enforcement duties pursuant to this section may be  
11 transferred to the General Fund at the direction of the Legislature.

12 (4) The Tax Commissioner shall employ investigators who shall be  
13 vested with the authority and power of a law enforcement officer to carry  
14 out the laws of this state administered by the Tax Commissioner or the  
15 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating

16 to possession of a gambling device. For purposes of enforcing sections  
 17 28-1101 to 28-1117, the authority of the investigators shall be limited  
 18 to investigating possession of a gambling device, notifying local law  
 19 enforcement authorities, and reporting suspected violations to the county  
 20 attorney for prosecution.

21 (5) The Charitable Gaming Division may charge a fee for publications  
 22 and listings it produces. The fee shall not exceed the cost of  
 23 publication and distribution of such items. The division may also charge  
 24 a fee for making a copy of any record in its possession equal to the  
 25 actual cost per page. The division shall remit the fees to the State  
 26 Treasurer for credit to the Charitable Gaming Operations Fund.

27 (6) For administrative purposes only, the Nebraska Commission on  
 28 Problem Gambling shall be located within the Charitable Gaming Division.  
 29 The division shall provide office space, furniture, equipment, and  
 30 stationery and other necessary supplies for the commission. Commission  
 31 staff shall be appointed, supervised, and terminated by the director of  
 1 the Gamblers Assistance Program pursuant to section 9-1004.

2 Sec. 2. Original section 9-1,101, Revised Statutes Cumulative  
 3 Supplement, 2018, is repealed.

**LEGISLATIVE BILL 137.** Placed on General File with amendment.  
 AM902

1 1. On page 3, line 21, strike "not to exceed ten thousand  
 2 dollars".

**LEGISLATIVE BILL 149.** Placed on General File with amendment.  
 AM901

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

3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 28-1418 Whoever, being a person ~~minor~~ under the age of nineteen  
 6 ~~eighteen~~ years, shall smoke cigarettes or cigars, use electronic nicotine  
 7 delivery systems ~~vapor products~~ or alternative nicotine products, or use  
 8 tobacco in any form whatever, in this state, shall be guilty of a Class V  
 9 misdemeanor. Any person ~~minor~~ charged with a violation of this section  
 10 may be free from prosecution if he or she furnishes evidence for the  
 11 conviction of the person or persons selling or giving him or her the  
 12 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,  
 13 alternative nicotine products, or tobacco.

14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:

16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:

17 (1) Alternative nicotine product means any noncombustible product  
 18 containing nicotine that is intended for human consumption, whether  
 19 chewed, absorbed, dissolved, or ingested by any other means. Alternative  
 20 nicotine product does not include any electronic nicotine delivery system  
 21 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product  
 22 regulated as a drug or device by the United States Food and Drug

23 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and  
24 Cosmetic Act;

25 (2) Cigarette means any product that contains nicotine, is intended  
26 to be burned or heated under ordinary conditions of use, and consists of  
27 or contains (a) any roll of tobacco wrapped in paper or in any substance  
1 not containing tobacco, (b) tobacco, in any form, that is functional in  
2 the product which, because of its appearance, the type of tobacco used in  
3 the filler, or its packaging and labeling, is likely to be offered to, or  
4 purchased by, consumers as a cigarette, or (c) any roll of tobacco  
5 wrapped in any substance containing tobacco which, because of its  
6 appearance, the type of tobacco used in the filler, or its packaging and  
7 labeling, is likely to be offered to, or purchased by, consumers as a  
8 cigarette described in subdivision (2)(a) of this section;

9 (3)(a) Electronic nicotine delivery system means any product or  
10 device containing nicotine, tobacco, or tobacco derivatives that employs  
11 a heating element, power source, electronic circuit, or other electronic,  
12 chemical, or mechanical means, regardless of shape or size, to simulate  
13 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
14 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
15 product or device.

16 (b) Electronic nicotine delivery system includes, but is not limited  
17 to, the following:

18 (i) Any substance containing nicotine, tobacco, or tobacco  
19 derivatives, whether sold separately or sold in combination with a  
20 product or device that is intended to deliver to a person nicotine,  
21 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
22 form;

23 (ii) Any product or device marketed, manufactured, distributed, or  
24 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
25 electronic pipe, electronic hookah, or similar products, names,  
26 descriptors, or devices; and

27 (iii) Any component, part, or accessory of such a product or device  
28 that is used during operation of the product or device when sold in  
29 combination with any substance containing nicotine, tobacco, or tobacco  
30 derivatives.

31 (c) Electronic nicotine delivery system does not include the  
1 following:

2 (i) An alternative nicotine product, cigarette, cigar, or other  
3 tobacco product, or any product regulated as a drug or device by the  
4 United States Food and Drug Administration under Chapter V of the Federal  
5 Food, Drug, and Cosmetic Act; or

6 (ii) Any component, part, or accessory of such a product or device  
7 that is used during operation of the product or device when not sold in  
8 combination with any substance containing nicotine, tobacco, or tobacco  
9 derivatives;

10 (4) ~~(2)~~ Self-service display means a retail display that contains a  
11 tobacco product, a tobacco-derived product, an electronic nicotine  
12 delivery system a vapor product, or an alternative nicotine product and  
13 is located in an area openly accessible to a retailer's customers and

14 from which such customers can readily access the product without the  
 15 assistance of a salesperson. Self-service display does not include a  
 16 display case that holds tobacco products, electronic nicotine delivery  
 17 systems ~~vapor products~~, or alternative nicotine products behind locked  
 18 doors; and

19 (5) ~~(3)~~ Tobacco specialty store means a retail store that (a)  
 20 derives at least seventy-five percent of its revenue from tobacco  
 21 products, tobacco-derived products, electronic nicotine delivery systems  
 22 ~~vapor products~~, or alternative nicotine products and (b) does not permit  
 23 ~~persons~~ minors under the age of nineteen ~~eighteen~~ years to enter the  
 24 premises unless accompanied by a parent or legal guardian; and

25 (4) Vapor product means any ~~noncombustible product containing~~  
 26 ~~nicotine that employs a heating element, power source, electronic~~  
 27 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~  
 28 ~~of shape or size, that can be used to produce vapor from nicotine in a~~  
 29 ~~solution or other form. Vapor product includes any electronic cigarette,~~  
 30 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~  
 31 ~~product or device and any vapor cartridge or other container of nicotine~~  
 1 ~~in a solution or other form that is intended to be used with or in an~~  
 2 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~  
 3 ~~pipe, or similar product or device. Vapor product does not include an~~  
 4 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~  
 5 ~~or any product regulated as a drug or device by the United States Food~~  
 6 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~  
 7 ~~Cosmetic Act.~~

8 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 28-1419 Whoever shall sell, give, or furnish, in any way, any  
 11 tobacco in any form whatever, or any cigarettes, cigarette paper,  
 12 electronic nicotine delivery systems ~~vapor products~~, or alternative  
 13 nicotine products, to any person ~~minor~~ under nineteen ~~eighteen~~ years of  
 14 age, is guilty of a Class III misdemeanor for each offense.

15 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:

17 28-1420 It shall be unlawful for any person, partnership, limited  
 18 liability company, or corporation to sell, keep for sale, or give away in  
 19 course of trade, any cigars, tobacco, electronic nicotine delivery  
 20 systems, cigarettes, or cigarette material to anyone without first  
 21 obtaining a license as provided in sections 28-1421 and 28-1422. It shall  
 22 also be unlawful for any wholesaler to sell or deliver any cigars,  
 23 tobacco, electronic nicotine delivery systems, cigarettes, or cigarette  
 24 material to any person, partnership, limited liability company, or  
 25 corporation who, at the time of such sale or delivery, is not the  
 26 recipient of a valid tobacco license for the current year to retail the  
 27 same as provided in such sections. It shall also be unlawful for any  
 28 person, partnership, limited liability company, or corporation to  
 29 purchase or receive, for purposes of resale, any cigars, tobacco,  
 30 electronic nicotine delivery systems, cigarettes, or cigarette material  
 31 if such person, partnership, limited liability company, or corporation is

1 not the recipient of a valid tobacco license to retail such tobacco  
2 products at the time the same are purchased or received. Whoever shall be  
3 found guilty of violating this section shall be guilty of a Class III  
4 misdemeanor for each offense.

5 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 28-1421 Licenses for the sale of cigars, tobacco, electronic  
8 nicotine delivery systems, cigarettes, and cigarette material to persons  
9 nineteen years of age or over ~~the age of eighteen years~~ shall be issued  
10 to individuals, partnerships, limited liability companies, and  
11 corporations by the clerk or finance director of any city or village and  
12 by the county clerk of any county upon application duly made as provided  
13 in section 28-1422. The sale of cigarettes or cigarette materials that  
14 contain perfumes or drugs in any form is prohibited and is not licensed  
15 by the provisions of this section. Only cigarettes and cigarette material  
16 containing pure white paper and pure tobacco shall be licensed.

17 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-1423 The term for which such license shall run shall be from the  
20 date of filing such application and paying such license fee to and  
21 including December 31 of the calendar year in which application for such  
22 license is made, and the license fee for any person, partnership, limited  
23 liability company, or corporation selling at retail shall be twenty-five  
24 dollars in cities of the metropolitan class, fifteen dollars in cities of  
25 the primary and first classes, and ten dollars in cities of all other  
26 classes and in towns and villages and in locations outside of the limits  
27 of cities, towns, and villages. Any person, partnership, limited  
28 liability company, or corporation selling annually in the aggregate more  
29 than one hundred fifty thousand cigars, packages of cigarettes,  
30 electronic nicotine delivery systems, and packages of tobacco in any  
31 form, at wholesale, shall pay a license fee of one hundred dollars, and  
1 if such combined annual sales amount to less than one hundred fifty  
2 thousand cigars, packages of cigarettes, electronic nicotine delivery  
3 systems, and packages of tobacco, the annual license fee shall be fifteen  
4 dollars. No wholesaler's license shall be issued in any year on a less  
5 basis than one hundred dollars per annum unless the applicant for the  
6 same shall file with such application a statement duly sworn to by  
7 himself or herself, or if applicant is a partnership, by a member of the  
8 firm, or if a limited liability company, by a member or manager of the  
9 company, or if a corporation, by an officer or manager thereof, that in  
10 the past such wholesaler's combined sales of cigars, packages of  
11 cigarettes, electronic nicotine delivery systems, and packages of tobacco  
12 in every form have not exceeded in the aggregate one hundred fifty  
13 thousand annually, and that such sales will not exceed such aggregate  
14 amount for the current year for which the license is to issue. Any person  
15 swearing falsely in such affidavit shall be guilty of perjury and upon  
16 conviction thereof shall be punished as provided by section 28-915 and  
17 such wholesaler's license shall be revoked until the full license fee of  
18 one hundred dollars is paid. If application for license is made after

19 July 1 of any calendar year, the fee shall be one-half of the fee  
20 provided in this section.

21 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 28-1424 The license, provided for in sections 28-1421 and 28-1422  
24 ~~shall, when issued, shall~~ authorize the sale of cigars, tobacco,  
25 electronic nicotine delivery systems, cigarettes, and cigarette material  
26 by the licensee and employees, to persons nineteen years of age or over  
27 ~~the age of eighteen years~~, at the place of business described in such  
28 license for the term therein authorized, unless the license is same be  
29 forfeited as provided in section 28-1425.

30 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 28-1425 Any licensee who shall sell, give, or furnish in any way to  
2 any person under the age of nineteen ~~eighteen~~ years, or who shall  
3 willingly allow to be taken from his or her place of business by any  
4 person under the age of nineteen ~~eighteen~~ years, any cigars, tobacco,  
5 cigarettes, cigarette material, electronic nicotine delivery systems  
6 ~~vapor products~~, or alternative nicotine products is guilty of a Class III  
7 misdemeanor. Any officer, director, or manager having charge or control,  
8 either separately or jointly with others, of the business of any  
9 corporation which violates sections ~~28-1418.01~~, 28-1420 to 28-1429 or  
10 section, ~~and~~ 28-1429.03, if he or she has knowledge of such violation,  
11 shall be subject to the penalties provided in this section. In addition  
12 to the penalties provided in this section, such licensee shall be subject  
13 to the additional penalty of a revocation and forfeiture of his, her,  
14 their, or its license, at the discretion of the court before whom the  
15 complaint for violation of such sections may be heard. If such license is  
16 revoked and forfeited, all rights under such license shall at once cease  
17 and terminate.

18 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1427 Any person under the age of nineteen ~~eighteen~~ years who  
21 shall obtain cigars, tobacco, cigarettes, cigarette material, electronic  
22 nicotine delivery systems ~~vapor products~~, or alternative nicotine  
23 products from a licensee by representing that he or she is of the age of  
24 nineteen ~~eighteen~~ years or over is guilty of a Class V misdemeanor.

25 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 28-1429.01 The Legislature finds that the incumbent health risks  
28 associated with using smoking tobacco products have been scientifically  
29 proven. The Legislature further finds that the growing number of young  
30 people minors who start using tobacco products smoking is staggering, and  
31 even more abhorrent are the ages at which such use begins children begin  
1 ~~this deadly habit~~. The Legislature has established an age restriction on  
2 the use of tobacco products ~~by minors~~. To ensure that the use of tobacco  
3 products among young people minors is discouraged to the maximum extent  
4 possible, it is the intent of the Legislature to ban the use of vending  
5 machines and similar devices to dispense tobacco products in facilities,

6 buildings, or areas which are open to the general public within Nebraska.

7 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 28-1429.02 (1) Except as provided in subsection (2) of this section,  
10 it shall be unlawful to dispense cigarettes, other tobacco products,  
11 ~~electronic nicotine delivery systems vapor products~~, or alternative  
12 nicotine products from a vending machine or similar device. Any person  
13 violating this section is guilty of a Class III misdemeanor. In addition,  
14 upon conviction for a second offense, the court shall order a six-month  
15 suspension of the offender's license to sell tobacco, if any, and, upon  
16 conviction for a third or subsequent offense, the court shall order the  
17 permanent revocation of the offender's license to sell tobacco, if any.

18 (2) Cigarettes, other tobacco products, electronic nicotine delivery  
19 systems vapor products, or alternative nicotine products may be dispensed  
20 from a vending machine or similar device when such machine or device is  
21 located in an area, office, business, plant, or factory which is not open  
22 to the general public or on the licensed premises of any establishment  
23 having a license issued under the Nebraska Liquor Control Act for the  
24 sale of alcoholic liquor for consumption on the premises when such  
25 machine or device is located in the same room in which the alcoholic  
26 liquor is dispensed.

27 (3) Nothing in this section shall be construed to restrict or  
28 prohibit a governing body of a city or village from establishing and  
29 enforcing ordinances at least as stringent as or more stringent than the  
30 provisions of this section.

31 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,  
1 is amended to read:

2 28-1429.03 (1) Except as provided in subsection (2) of this section  
3 and section 28-1429.02, it shall be unlawful to sell or distribute  
4 cigarettes, cigars, ~~electronic nicotine delivery systems vapor products~~,  
5 alternative nicotine products, or tobacco in any form whatever through a  
6 self-service display. Any person violating this section is guilty of a  
7 Class III misdemeanor. In addition, upon conviction for a second or  
8 subsequent offense within a twelve-month period, the court shall order a  
9 six-month suspension of the license issued under section 28-1421.

10 (2) Cigarettes, cigars, electronic nicotine delivery systems vapor  
11 products, alternative nicotine products, or tobacco in any form whatever  
12 may be sold or distributed in a self-service display that is located in a  
13 tobacco specialty store or cigar shop as defined in section 53-103.08.

14 Sec. 13. Section 71-5716, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-5716 Sections 71-5716 to 71-5735 and section 15 of this act shall  
17 be known and may be cited as the Nebraska Clean Indoor Air Act.

18 Sec. 14. Section 71-5718, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the  
21 definitions found in sections 71-5719 to 71-5728 and section 15 of this  
22 act apply.

23 Sec. 15. Electronic nicotine delivery system has the same meaning

24 as in section 28-1418.01.

25 Sec. 16. Section 71-5727, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-5727 Smoke or smoking means (1) the lighting of any cigarette,  
28 cigar, pipe, or other smoking material or the possession of any lighted  
29 cigarette, cigar, pipe, or other smoking material, regardless of its  
30 composition, or (2) the use of an electronic nicotine delivery system.

31 Sec. 17. This act becomes operative on January 1, 2020.

1 Sec. 18. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,  
2 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02,  
3 28-1429.03, 71-5716, 71-5718, and 71-5727, Reissue Revised Statutes of  
4 Nebraska, are repealed.

**LEGISLATIVE BILL 538.** Placed on General File with amendment.  
AM900 is available in the Bill Room.

**LEGISLATIVE BILL 584.** Placed on General File with amendment.  
AM903

- 1 1. Strike original sections 4 and 5.
- 2 2. On page 2, lines 30 and 31, strike the new matter and reinstate
- 3 the stricken matter.
- 4 3. Renumber the remaining section and correct the repealer
- 5 accordingly.

(Signed) Tom Briese, Chairperson

Health and Human Services

**LEGISLATIVE BILL 62.** Placed on General File.

**LEGISLATIVE BILL 559.** Placed on General File.

**LEGISLATIVE BILL 220.** Placed on General File with amendment.  
AM660

- 1 1. On page 3, line 22, after "basis" insert "and offer products at
- 2 prices comparable to similar products sold in similar buildings or on
- 3 similar property".

**LEGISLATIVE BILL 323.** Placed on General File with amendment.  
AM678

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-915, Revised Statutes Cumulative Supplement,
- 4 2016, as amended by section 3, Initiative Law 2018, No. 427, is amended
- 5 to read:
- 6 68-915 The following persons shall be eligible for medical
- 7 assistance:
- 8 (1) Dependent children as defined in section 43-504;
- 9 (2) Aged, blind, and disabled persons as defined in sections 68-1002
- 10 to 68-1005;

- 11 (3) Children under nineteen years of age who are eligible under  
 12 section 1905(a)(i) of the federal Social Security Act;
- 13 (4) Persons who are presumptively eligible as allowed under sections  
 14 1920 and 1920B of the federal Social Security Act;
- 15 (5) Children under nineteen years of age with a family income equal  
 16 to or less than two hundred percent of the Office of Management and  
 17 Budget income poverty guideline, as allowed under Title XIX and Title XXI  
 18 of the federal Social Security Act, without regard to resources, and  
 19 pregnant women with a family income equal to or less than one hundred  
 20 eighty-five percent of the Office of Management and Budget income poverty  
 21 guideline, as allowed under Title XIX and Title XXI of the federal Social  
 22 Security Act, without regard to resources. Children described in this  
 23 subdivision and subdivision (6) of this section shall remain eligible for  
 24 six consecutive months from the date of initial eligibility prior to  
 25 redetermination of eligibility. The department may review eligibility  
 26 monthly thereafter pursuant to rules and regulations adopted and  
 27 promulgated by the department. The department may determine upon such  
 1 review that a child is ineligible for medical assistance if such child no  
 2 longer meets eligibility standards established by the department;
- 3 (6) For purposes of Title XIX of the federal Social Security Act as  
 4 provided in subdivision (5) of this section, children with a family  
 5 income as follows:
- 6 (a) Equal to or less than one hundred fifty percent of the Office of  
 7 Management and Budget income poverty guideline with eligible children one  
 8 year of age or younger;
- 9 (b) Equal to or less than one hundred thirty-three percent of the  
 10 Office of Management and Budget income poverty guideline with eligible  
 11 children over one year of age and under six years of age; or
- 12 (c) Equal to or less than one hundred percent of the Office of  
 13 Management and Budget income poverty guideline with eligible children six  
 14 years of age or older and less than nineteen years of age;
- 15 (7) Persons who are medically needy caretaker relatives as allowed  
 16 under 42 U.S.C. 1396d(a)(ii);
- 17 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI)  
 18 ~~1396a(a)(10)(A)(ii)~~, disabled persons who have as defined in section  
 19 ~~68-1005~~ with a family income of less than two hundred fifty percent of  
 20 the Office of Management and Budget income poverty guideline and who, but  
 21 ~~for earnings in excess of the limit established under 42 U.S.C. 1396d(q)~~  
 22 ~~(2)(B)~~, would be considered to be receiving federal Supplemental Security  
 23 Income. The department shall apply for a waiver to disregard any unearned  
 24 income that is contingent upon a trial work period in applying the  
 25 Supplemental Security Income standard. Such disabled persons shall be  
 26 subject to payment of premiums as a percentage of family income beginning  
 27 at not less than two hundred percent of the Office of Management and  
 28 Budget income poverty guideline. Such premiums shall be graduated based  
 29 on family income and shall not exceed seven and one-half ~~be less than two~~  
 30 ~~percent or more than ten~~ percent of family income;
- 31 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
- 1 (a) Have been screened for breast and cervical cancer under the

2 Centers for Disease Control and Prevention breast and cervical cancer  
 3 early detection program established under Title XV of the federal Public  
 4 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the  
 5 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need  
 6 treatment for breast or cervical cancer, including precancerous and  
 7 cancerous conditions of the breast or cervix;  
 8 (b) Are not otherwise covered under creditable coverage as defined  
 9 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.  
 10 ~~300gg-3(c)~~ ~~300gg(e)~~;  
 11 (c) Have not attained sixty-five years of age; and  
 12 (d) Are not eligible for medical assistance under any mandatory  
 13 categorically needy eligibility group;  
 14 (10) Persons eligible for services described in subsection (3) of  
 15 section 68-972; and  
 16 (11) Persons eligible pursuant to section 2 of this act.  
 17 Except as provided in subsection (8) of this section and section  
 18 68-972, eligibility shall be determined under this section using an  
 19 income budgetary methodology that determines children's eligibility at no  
 20 greater than two hundred percent of the Office of Management and Budget  
 21 income poverty guideline and adult eligibility using adult income  
 22 standards no greater than the applicable categorical eligibility  
 23 standards established pursuant to state or federal law. Except as  
 24 otherwise provided in subsection (8) of this section, the ~~The~~ department  
 25 shall determine eligibility under this section pursuant to such income  
 26 budgetary methodology and subdivision (1)(q) of section 68-1713.  
 27 Sec. 2. Original section 68-915, Revised Statutes Cumulative  
 28 Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427,  
 29 is repealed.

**LEGISLATIVE BILL 518.** Placed on General File with amendment.  
 AM899

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Support for Trafficking Survivors Act.  
 5 Sec. 2. (1) The Legislature finds that:  
 6 (a) Substantial harm results from the commercial sexual exploitation  
 7 of individuals, including physical violence, negative physical and mental  
 8 health consequences, rape, and suicide;  
 9 (b) Commercial sexual exploitation is widespread and has profound  
 10 economic and social impacts on Nebraskans;  
 11 (c) There is a lack of supportive services available to minor and  
 12 adult victims of sex trafficking and commercial sexual exploitation;  
 13 (d) The Department of Health and Human Services plays an integral  
 14 role in serving vulnerable populations and there is a need for the  
 15 department to provide leadership in coordinating supportive services for  
 16 victims;  
 17 (e) The existing network of domestic violence and sexual assault  
 18 programs are uniquely equipped to provide supportive services to victims

19 of sex trafficking and commercial sexual exploitation using a trauma-  
20 informed and victim-centered approach; and  
21 (f) Law enforcement plays an important role in identifying victims  
22 of sex trafficking and commercial sexual exploitation and directing them  
23 toward supportive services.  
24 (2) It is the intent of the Support for Trafficking Survivors Act to  
25 create a statewide multisystemic response and provide supportive services  
26 that promote safety, well-being, and economic stability for victims of  
27 sex trafficking and commercial sexual exploitation and to establish the  
1 Office of Support for Trafficking Survivors, Support for Trafficking  
2 Survivors Advisory Board, and Sex Trafficking Investigation Assistance  
3 Fund as a means to that end.  
4 Sec. 3. For purposes of the Support for Trafficking Survivors Act:  
5 (1) Board means the Support for Trafficking Survivors Advisory Board  
6 created in section 5 of this act;  
7 (2) Commercial sexual exploitation means the exploitation of  
8 individuals as a result of their involvement in commercial sexual  
9 activity as defined in section 28-830;  
10 (3) Department means the Department of Health and Human Services;  
11 (4) Eligible program recipient means an organization that (a) is a  
12 nonprofit organization organized under section 501(c)(3) of the Internal  
13 Revenue Code or a federally recognized Indian tribe whose governmental  
14 body is within the borders of Nebraska and (b) has an affiliation  
15 agreement with the department to provide services to victims of domestic  
16 violence and sexual assault under the Protection from Domestic Abuse Act;  
17 (5) Office means the Office of Support for Trafficking Survivors  
18 created in section 4 of this act;  
19 (6) Sex trafficking includes sex trafficking and sex trafficking of  
20 a minor as defined in section 28-830; and  
21 (7) Supportive services includes, but is not limited to, housing,  
22 economic stability, education, mental health, substance abuse, legal,  
23 transportation, case management, and victim advocacy services.  
24 Sec. 4. (1) The Office of Support for Trafficking Survivors is  
25 established within the department.  
26 (2) The office shall:  
27 (a) Provide administrative support to the board;  
28 (b) Oversee and coordinate the implementation of the state plan  
29 created by the board under section 6 of this act;  
30 (c) Administer and oversee the grant program established under  
31 section 7 of this act if public or private funding is made available for  
1 this purpose;  
2 (d) Coordinate the department's efforts to prevent, identify, and  
3 respond to sex trafficking and commercial sexual exploitation and to  
4 support the safety, well-being, and economic stability of victims of sex  
5 trafficking and commercial sexual exploitation, including identifying and  
6 addressing challenges associated with individual cases of commercial  
7 sexual exploitation and sex trafficking;  
8 (e) Collaborate with other state agencies to ensure a statewide  
9 multisystemic response that promotes safety, well-being, and economic

10 stability for victims of sex trafficking and commercial sexual  
11 exploitation;  
12 (f) Coordinate trauma-informed and victim-centered training and  
13 resources on sex trafficking and commercial sexual exploitation for  
14 relevant department personnel, as well as other state agencies and  
15 service providers who work with victims of sex trafficking and commercial  
16 sexual exploitation;  
17 (g) Monitor and apply for available federal or other funding  
18 opportunities that would support efforts to prevent, identify, and  
19 respond to sex trafficking and commercial sexual exploitation and efforts  
20 to support the safety, well-being, and economic stability of victims of  
21 sex trafficking and commercial sexual exploitation; and  
22 (h) As part of the state plan created under section 6 of this act,  
23 submit an annual report of receipts to and disbursements from the Sex  
24 Trafficking Investigation Assistance Fund.  
25 Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is  
26 created within the Office of Support for Trafficking Survivors. The  
27 purpose of the board is to award grants, if public or private funding is  
28 made available for this purpose, and create a state plan for supportive  
29 services for victims of sex trafficking and commercial sexual  
30 exploitation. The board shall have fifteen members, including nine voting  
31 and six nonvoting members. The voting members shall be appointed by the  
1 Governor.  
2 (2) The voting members shall, to the extent practical, be  
3 representative of the geographic diversity and demographic composition of  
4 Nebraska. The board shall include the following voting members:  
5 (a) At least two survivors of sex trafficking or commercial sexual  
6 exploitation;  
7 (b) A representative of a service provider that serves victims of  
8 domestic or sexual assault or sex trafficking and is not a grant program  
9 recipient under section 7 of this act;  
10 (c) One representative of a statewide association of child advocacy  
11 centers;  
12 (d) Three representatives of law enforcement, including one from  
13 each congressional district;  
14 (e) One county attorney who has experience working with victims of  
15 sex trafficking and commercial sexual exploitation; and  
16 (f) One expert in behavioral health with experience working with  
17 victims of sex trafficking and commercial sexual exploitation.  
18 (3) The nonvoting members of the board shall include:  
19 (a) One representative of a statewide coalition representing  
20 nonprofit organizations that have an affiliation agreement with the  
21 department to provide services to victims of domestic violence and sexual  
22 assault under the Protection from Domestic Abuse Act, as designated by  
23 the department;  
24 (b) One representative of the Nebraska State Patrol, as designated  
25 by the Superintendent of Law Enforcement and Public Safety;  
26 (c) One representative of the Nebraska Commission on Law Enforcement  
27 and Criminal Justice, as designated by the executive director of the

28 commission;

29 (d) One representative of the Attorney General, as designated by the  
30 Attorney General;

31 (e) One representative of the Office of Probation Administration, as  
1 designated by the probation administrator; and

2 (f) One representative of the Office of Support for Trafficking

3 Survivors within the department designated by the chief executive officer  
4 of the Department of Health and Human Services.

5 (4) Members of the board appointed under subsection (2) of this  
6 section shall serve four-year terms. A vacancy shall be filled for the  
7 balance of the unexpired term in the same manner as the original  
8 appointment. A member may be reappointed at the expiration of his or her  
9 term. An appointed board member shall not serve more than two consecutive  
10 terms, whether partial or full.

11 (5) Initial board members shall be appointed or designated no later  
12 than October 1, 2019.

13 (6) The board shall elect a chairperson and may elect other officers  
14 and establish committees as it deems appropriate.

15 (7) The members of the board shall not receive any compensation for  
16 service on the board but shall be reimbursed for actual and necessary  
17 expenses incurred in the performance of their duties as provided in  
18 sections 81-1174 to 81-1177.

19 (8) Any board member may be removed by the Governor for misconduct,  
20 incompetency, or neglect of duty after first being given the opportunity  
21 to be heard in his or her own behalf.

22 Sec. 6. The board shall have the following powers and duties:

23 (1) To meet not less than quarterly at the call of the chairperson  
24 to conduct its official business;

25 (2) To create and annually review a state plan to prevent, identify,  
26 and respond to sex trafficking and commercial sexual exploitation, with a  
27 specific focus on supporting the safety, well-being, and economic  
28 stability of victims of sex trafficking and commercial sexual  
29 exploitation. The state plan shall be revised at least once every three  
30 years. The state plan shall be submitted to the Governor and  
31 electronically to the Health and Human Services Committee of the  
1 Legislature and the Judiciary Committee of the Legislature within one  
2 year after the appointment of the original board and annually thereafter  
3 by December 1. The state plan shall:

4 (a) Include strategies to develop and support the provision of  
5 supportive services for victims of sex trafficking and commercial sexual  
6 exploitation across the state;

7 (b) Include steps to develop and implement a screening and reporting  
8 plan for the department and other state agencies and make recommendations  
9 regarding the use of specific screening tools and reporting mechanisms;

10 (c) Evaluate the availability of services accessed through the child  
11 welfare system and the criminal justice system, as well as supportive  
12 services funded through the competitive grant program established in  
13 section 7 of this act if public or private funding is made available for  
14 this grant program;

15 (d) Include an accounting of receipts to and disbursements from the  
16 Human Trafficking Victim Assistance Fund;  
17 (e) Include an accounting of receipts to and disbursements from the  
18 Sex Trafficking Investigation Assistance Fund, if public or private  
19 funding is made available for this purpose, including a description of  
20 reimbursements made, the name of state or local law enforcement agencies  
21 that received reimbursement, and the type of expense reimbursed; and  
22 (f) Include the number of victims of sex trafficking and commercial  
23 sexual exploitation identified or served by the department and other  
24 state agencies and services;  
25 (3) To develop criteria, review applications, and approve the  
26 awarding of grants to eligible program recipients in the manner described  
27 in section 7 of this act if public or private funding is made available  
28 for this grant program;  
29 (4) To consult with relevant state agencies, task forces,  
30 commissions, and boards to help determine availability, probable  
31 effectiveness, fiscal soundness, and need for proposed programs; and  
1 (5) To identify barriers to the provision of supportive services for  
2 victims of sex trafficking and commercial sexual exploitation and make  
3 recommendations to eliminate such barriers in the state plan.  
4 Sec. 7. (1) If public or private funding is made available for this  
5 purpose, the board shall establish a competitive grant program in support  
6 of the state plan developed under section 6 of this act to prevent,  
7 identify, and respond to sex trafficking and commercial sexual  
8 exploitation and to support the safety, well-being, and economic  
9 stability of victims of sex trafficking and commercial sexual  
10 exploitation. The awarding of any such grant shall be approved by a  
11 majority of the voting members of the board.  
12 (2) Grants shall be awarded to eligible program recipients to  
13 provide supportive services to prevent, identify, and respond to sex  
14 trafficking and commercial sexual exploitation and to support the safety,  
15 well-being, and economic stability of victims of sex trafficking and  
16 commercial sexual exploitation. Programs providing supportive services  
17 that are funded through such grant program shall:  
18 (a) Utilize a trauma-informed approach, which involves understanding  
19 and responding to the symptoms of trauma and traumatic stress across the  
20 lifespan, recognizing the signs and symptoms of trauma, implementing that  
21 knowledge about trauma into policies, procedures, and practices, and  
22 seeking to actively resist re-traumatization;  
23 (b) Use a victim-centered approach, which focuses on the needs and  
24 concerns of the victim, provides supportive services in a  
25 nondiscriminatory, nonjudgmental manner, and seeks to minimize re-  
26 traumatization by supporting victims' rights, dignity, autonomy, and  
27 self-determination;  
28 (c) Provide services that are linguistically and developmentally  
29 appropriate. Applicants must have in place policies and procedures  
30 promoting linguistically relevant services, including the accessibility  
31 of services for program participants with limited English proficiency and  
1 individuals with disabilities;

2 (d) Ensure that case management is provided for victims of sex  
3 trafficking and commercial sexual exploitation receiving services under  
4 the grant. Case management shall include, but not be limited to, an  
5 assessment of victim needs, development of individualized service plans,  
6 assessment of eligibility for other public or community-based programs,  
7 assistance in accessing publicly funded programs, assistance with safety  
8 planning, assistance with crime victim compensation claims when possible,  
9 information and referral, documentation of services provided, and routine  
10 followup to ensure that the needs of the victim are being addressed. Case  
11 management shall be delivered in a manner that is trauma-informed and  
12 victim-centered;

13 (e) Inform each victim about the option to work within the criminal  
14 justice system in the prosecution of the trafficker and others involved  
15 in his or her victimization by sex trafficking or commercial sexual  
16 exploitation; and

17 (f) Have written policies and procedures to ensure the safety,  
18 confidentiality, and privacy of the information regarding each victim.

19 (3) Programs providing supportive services shall be ineligible to  
20 participate in the grant program if:

21 (a) Services are provided in a way that is coercive or not  
22 voluntary;

23 (b) Services provided do not allow the free practice of the religion  
24 of choice; or

25 (c) Services are conditioned upon participation with the criminal  
26 justice system in the prosecution of traffickers or others involved in  
27 sex trafficking or commercial sexual exploitation.

28 (4) In awarding grants under this section, consideration shall be  
29 given to factors such as need, geographic location, diversity of  
30 population served, and coordination with or improvement of existing  
31 services.

1 (5) Funding for the competitive grant program may be paid from the  
2 Human Trafficking Victim Assistance Fund.

3 Sec. 8. The board shall contract for an independent evaluation of  
4 the state plan created under section 6 of this act and the competitive  
5 grant program created under section 7 of this act if public or private  
6 funding is made available in the Human Trafficking Victim Assistance Fund  
7 or the Sex Trafficking Investigation Assistance Fund for this specific  
8 purpose. The evaluation shall assess the effectiveness of the state plan  
9 in promoting the safety, well-being, and economic stability for victims  
10 of sex trafficking and commercial sexual exploitation and the  
11 effectiveness of the grant program in achieving the purposes described in  
12 section 7 of this act. The evaluation shall begin after the completion of  
13 the second year of the competitive grant program and shall be completed  
14 in the third year of the program. The department shall electronically  
15 transmit the completed evaluation to the Health and Human Services  
16 Committee of the Legislature and the Judiciary Committee of the  
17 Legislature.

18 Sec. 9. (1) The Sex Trafficking Investigation Assistance Fund is  
19 created. The State Treasurer shall credit to the fund such money as is

20 appropriated or transferred to the fund by the Legislature, donated as  
 21 gifts, bequests, or other contributions to such fund from public or  
 22 private entities, and made available by any department or agency of the  
 23 United States if so directed by such department or agency. The fund shall  
 24 be administered by the Nebraska Commission on Law Enforcement and  
 25 Criminal Justice. The Department of Justice shall approve and coordinate  
 26 payments to state and local law enforcement.

27 (2) Any money in the fund available for investment shall be invested  
 28 by the state investment officer pursuant to the Nebraska Capital  
 29 Expansion Act and the Nebraska State Funds Investment Act.

30 (3) All money credited to such fund shall be used to reimburse state  
 31 or local law enforcement for expenses associated with victim-centered  
 1 trauma-informed investigations, operations, or prosecution of sex  
 2 trafficking. The fund shall not be used to reimburse state or local law  
 3 enforcement costs associated with investigations, operations, or  
 4 prosecution of prostitution arrests.

5 Sec. 10. Section 81-1429.02, Revised Statutes Cumulative Supplement,  
 6 2018, is amended to read:

7 81-1429.02 The Human Trafficking Victim Assistance Fund is created.  
 8 The fund shall consist of any funds appropriated by the Legislature or  
 9 ~~contain money~~ donated as gifts, bequests, or other contributions from  
 10 public or private entities. Funds made available by any department or  
 11 agency of the United States may also be credited to the fund if so  
 12 directed by such department or agency. The fund shall be administered by  
 13 the Nebraska Commission on Law Enforcement and Criminal Justice. The  
 14 Department of Health and Human Services shall approve and coordinate  
 15 payments to service providers. All money credited to such fund shall be  
 16 used to support care, treatment, and other services for victims of human  
 17 trafficking and commercial sexual exploitation of a child. Any money in  
 18 the fund available for investment shall be invested by the state  
 19 investment officer pursuant to the Nebraska Capital Expansion Act and the  
 20 Nebraska State Funds Investment Act.

21 Sec. 11. Original section 81-1429.02, Revised Statutes Cumulative  
 22 Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

Appropriations

**LEGISLATIVE BILL 334.** Placed on General File with amendment.  
 AM801 is available in the Bill Room.

**LEGISLATIVE BILL 638.** Placed on General File with amendment.  
 AM800

1 1. On page 3, after line 9, insert the following new subsection:  
 2 "(6) Nothing in this section prohibits the balance in the Cash  
 3 Reserve Fund from exceeding sixteen percent of the total budgeted General  
 4 Fund expenditures each fiscal year if the Legislature determines it  
 5 necessary to prepare for and respond to budgetary requirements which may

6 include, but are not limited to, capital construction projects and  
7 responses to emergencies."

(Signed) John Stinner, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 237A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 57.** Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 58.** Introduced by Halloran, 33.

WHEREAS, the Hastings St. Cecilia High School girls' basketball team won the 2019 Class C-2 Girls State Basketball Championship; and

WHEREAS, the St. Cecilia Hawkettes girls' basketball team defeated the Crofton Warriors in the championship game by a score of 63-45; and

WHEREAS, this is the St. Cecilia Hawkettes first championship title since 2011; and

WHEREAS, the St. Cecilia girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia High School girls' basketball team on winning the 2019 Class C-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' basketball team and Coach Greg Berndt.

Laid over.

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

Senator Crawford filed the following amendment to LB237:

AM943

(Amendments to Standing Committee amendments, AM676)

1 1. On page 6, line 17, strike "three" and insert "six".

**COMMITTEE REPORT(S)**

Health and Human Services

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

Randy Boldt - Board of Emergency Medical Services  
 John Bonta - Board of Emergency Medical Services  
 Karen Bowlin - Board of Emergency Medical Services  
 Ann Fiala - Board of Emergency Medical Services  
 Michael Miller - Board of Emergency Medical Services  
 Carl Rennerfeldt - Board of Emergency Medical Services

Aye: 5 Cavanaugh, Hansen, B., Howard, Murman, Williams. Nay: 0.  
 Absent: 1 Walz. Present and not voting: 1 Arch.

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

Lynette Kramer - Nebraska Rural Health Advisory Commission  
 Laeth Nasir - Nebraska Rural Health Advisory Commission  
 Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission

Aye: 6 Arch, Cavanaugh, Hansen, B., Howard, Murman, Williams. Nay: 0.  
 Absent: 1 Walz. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

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

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

Senator Wayne name added to LB390.  
Senator Linehan name added to LB451.  
Senator Brandt name added to LB491.  
Senator Brewer name added to LB605.  
Senator Murman name added to LB657.  
Senator Brandt name added to LB657.

**VISITOR(S)**

Visitors to the Chamber were Rachel, Erin, and Malachi Clark from Bellevue; staff from the Public Health Solutions District from Crete and Beatrice; members of the U.S. State Department Leadership Program from Czechia, Estonia, Greece, Slovakia, Slovenia, and Turkey; and members from the Delta Sigma Theta Sorority and Veterans Upward Bound from Omaha.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 26, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 26, 2019

**PRAYER**

The prayer was offered by Pastor Ken Miller, St. Paul Lutheran Church, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Albrecht, Gragert, and Kolowski who were excused; and Senators Cavanaugh, Lindstrom, Linehan, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 59.** Introduced by Kolterman, 24.

WHEREAS, the York Rotary Club was founded on February 6, 1919, and officially approved by Rotary International on March 1, 1919; and

WHEREAS, the York Rotary Club was initially organized by Melvin O. McLaughlin and twenty other men from the York area with the help of a delegation of Rotarians from the Downtown Lincoln Rotary Club; and

WHEREAS, serving youth has been a focus of York Rotary Club since its inception, shaping future generations through unique opportunities from camping trips for boy's homes in 1919 to providing scholarships and exchange-student programs around the world in 2019; and

WHEREAS, York Rotary Club is also focused on improving the lives of individuals from committing to eradicate Polio worldwide to helping stamp out hunger in local communities through fundraising and food drives; and

WHEREAS, the club has worked to serve the York area, greater Nebraska, and the world for 100 years and plans to continue for future generations.

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

1. That the Legislature recognizes the York Rotary Club for 100 years of service to the state.
2. That a copy of this resolution be sent to the York Rotary Club.

Laid over.

**LEGISLATIVE RESOLUTION 60.** Introduced by Lowe, 37.

WHEREAS, Katie Philpot represented the United States of America at the 2019 Special Olympics World Games in Abu Dhabi, competing in four swimming events; and

WHEREAS, Katie won gold medals in the 100 meter butterfly and 100 meter freestyle events and won silver medals in the 200 meter freestyle and 4x100 meter freestyle relay; and

WHEREAS, Katie, a sophomore, is a member of the Kearney High School swimming and diving team; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Katie Philpot on winning gold and silver medals at the Special Olympics World Games in Abu Dhabi.
2. That a copy of this resolution be sent to Katie Philpot.

Laid over.

#### **MOTION(S) - Confirmation Report(s)**

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 976:

Board of Emergency Medical Services

Randy Boldt  
John Bonta  
Karen Bowlin  
Ann Fiala  
Michael Miller  
Carl Rennerfeldt

Voting in the affirmative, 33:

Arch	Clements	Halloran	Kolterman	Slama
Blood	Crawford	Hansen, B.	La Grone	Stinner
Bostelman	DeBoer	Hilgers	McCollister	Walz
Brandt	Dorn	Hilkemann	McDonnell	Wayne
Brewer	Erdman	Howard	Moser	Williams
Briese	Friesen	Hughes	Murman	
Chambers	Geist	Hunt	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Hansen, M.	Lowe
Groene	Lathrop	Scheer

Excused and not voting, 10:

Albrecht	Gragert	Lindstrom	Morfeld	Vargas
Cavanaugh	Kolowski	Linehan	Pansing Brooks	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 976:

Nebraska Rural Health Advisory Commission  
 Lynette Kramer  
 Laeth Nasir  
 Rebecca A. Schroeder

Voting in the affirmative, 33:

Arch	Clements	Halloran	Kolterman	Scheer
Blood	Crawford	Hansen, B.	La Grone	Slama
Bostelman	DeBoer	Hilgers	McCollister	Stinner
Brandt	Dorn	Hilkemann	McDonnell	Walz
Brewer	Friesen	Howard	Moser	Wayne
Briese	Geist	Hughes	Murman	
Chambers	Groene	Hunt	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Hansen, M.	Lowe
Erdman	Lathrop	Williams

Excused and not voting, 10:

Albrecht      Gragert      Lindstrom      Morfeld      Vargas  
 Cavanaugh      Kolowski      Linehan      Pansing Brooks      Wishart

The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

#### GENERAL FILE

**LEGISLATIVE RESOLUTION 14CA.** Senator Groene renewed his amendment, FA26, found on page 958.

Pending.

#### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 585.** Placed on General File with amendment.  
 AM953

- 1 1. Strike original section 11.
- 2 2. On page 3, line 3, after "together" insert "in blends higher than
- 3 E-15"; and strike beginning with "consider" in line 26 through "received"
- 4 in line 27 and insert "award grants to the maximum number of qualified
- 5 applicants".

**LEGISLATIVE BILL 610.** Placed on General File with amendment.  
 AM917 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

General Affairs

**LEGISLATIVE BILL 252.** Placed on General File.

(Signed) Tom Briese, Chairperson

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

Senator Hilkemann filed the following amendment to LB558:  
 AM920

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$10,269,035 from
- 3 federal funds for FY2019-20 and (2) \$10,269,035 from federal funds for
- 4 FY2020-21 to the Department of Health and Human Services, for Program
- 5 348.
- 6 There is hereby appropriated (1) \$10,269,035 from the General Fund
- 7 for FY2019-20 and (2) \$10,269,035 from the General Fund for FY2020-21 to
- 8 the Department of Health and Human Services, for Program 424.
- 9 There is included in the amount shown as General Fund aid in Program

10 424 for FY2019-20 \$10,269,035 General Funds and for FY2020-21 \$10,269,035  
 11 General Funds for rates paid to providers of developmental disability  
 12 services as determined by the rate study conducted by the Division of  
 13 Developmental Disabilities and completed in 2018. No expenditures for  
 14 permanent and temporary salaries and per diems for state employees shall  
 15 be made from funds appropriated in this section.

Senator Hilgers filed the following amendment to LB583:

AM523

- 1 1. On page 2, line 23, strike "or an eligible county" and insert ";
- 2 an eligible county, or a city of the metropolitan class".
- 3 2. On page 5, line 12, after "county" insert "or a city of the
- 4 metropolitan class"; and in line 14 after "county" insert "or city of the
- 5 metropolitan class".
- 6 3. On page 15, line 9, after "county" insert "or a city of the
- 7 metropolitan class".

### GENERAL FILE

**LEGISLATIVE RESOLUTION 14CA.** The Groene amendment, FA26, found on page 958 and considered in this day's Journal, was renewed.

### SENATOR WILLIAMS PRESIDING

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 556A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

### AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB288:

AM974

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-2734.04, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 77-2734.04 As used in sections 77-2734.01 to 77-2734.15, unless the
- 6 context otherwise requires:
- 7 (1) Annual average amortized loan balance means the total of the
- 8 ending monthly values in the tax year divided by the number of months in
- 9 the tax year;

10 (2) Application service means computer-based services provided to  
11 customers over a network for a fee without selling, renting, leasing,  
12 licensing, or otherwise transferring computer software. Application  
13 service includes, but is not limited to, software as a service, platform  
14 as a service, or infrastructure as a service;

15 (3) Billing address means the location indicated in the books and  
16 records of the taxpayer as the address of record where the bill relating  
17 to the customer's account is mailed;

18 (4) Borrower located in this state means:

19 (a) A borrower who is engaged in a trade or business in this state;  
20 or

21 (b) A borrower whose billing address is in this state, but is not  
22 engaged in a trade or business in this state;

23 (5) Buyer includes a buyer, licensee, user, or person providing  
24 consideration for the use of an item or service;

25 (6) Commercial domicile means the principal place from which the  
26 trade or business of the taxpayer is directed or managed;

27 (7) Communications company means any entity that:

1 (a) Is:

2 (i) A telecommunications company as defined in section 86-119 that  
3 provides a telecommunications service as defined in section 86-121 or  
4 provides broadband, Internet, or video services as defined in section  
5 86-593;

6 (ii) A communications company that provides the electronic  
7 transmission, conveyance, or routing of voice, data, audio, video, or any  
8 other information or signals to a point, or between or among points, and  
9 includes such transmission, conveyance, or routing in which computer  
10 processing applications are used to act on the form, code, or protocol of  
11 the content for purposes of transmission, conveyance, or routing without  
12 regard to whether such service is referred to as a voice over Internet  
13 protocol service or is classified by the Federal Communications  
14 Commission as enhanced or value added. The company may also provide video  
15 programming provided by, or generally considered comparable to  
16 programming provided by, a television broadcast station, regardless of  
17 the medium, including the furnishing of transmission, conveyance, and  
18 routing of such services by the programming service provider. Video  
19 programming includes, but is not limited to, cable service as defined in  
20 47 U.S.C. 522 and video programming services delivered by providers of  
21 commercial mobile radio service, as defined in 47 C.F.R. 20.3; or

22 (iii) A broadcast company that provides an over-the-air broadcast  
23 radio station or over-the-air broadcast television station; and

24 (b) Owns, operates, manages, or controls any plant or equipment used  
25 to furnish telecommunications service, communication services, broadband  
26 services, Internet service, or broadcast services directly or indirectly  
27 to the general public at large and derives at least seventy percent of  
28 its gross sales for the current taxable year from the provision of these  
29 services. For purposes of the seventy-percent test, gross sales does not  
30 include interest, dividends, rents, royalties, capital gains, or ordinary  
31 gains from asset dispositions, other than in the normal course of

1 business;

2 (8) Compensation means wages, salaries, commissions, and any other  
3 form of remuneration paid to employees for personal services;

4 (9) Corporate taxpayer means any corporation that is not a part of a  
5 unitary business or the part of a unitary business, whether it is one or  
6 more corporations, that is doing business in this state. Corporate  
7 taxpayer does not include any corporation that has a valid election under  
8 subchapter S of the Internal Revenue Code or any financial institution as  
9 defined in section 77-3801;

10 (10) Corporation means all corporations and all other entities that  
11 are taxed as corporations under the Internal Revenue Code;

12 (11) Credit card means a credit card, debit card, purchase card,  
13 charge card, and travel or entertainment card;

14 (12) Doing business in this state means the exercise of the  
15 corporation's franchise in this state or the conduct of operations in  
16 this state that exceed the limitations provided in 15 U.S.C. 381 on a  
17 state imposing an income tax. Doing business in this state includes the  
18 sale, lease, or license of services, intangibles, or digital products to  
19 customers in this state that exceed five hundred thousand dollars in the  
20 previous or current calendar year;

21 (13) Federal taxable income means the corporate taxpayer's federal  
22 taxable income as reported to the Internal Revenue Service or as  
23 subsequently changed or amended. Except as provided in subsection (5) or  
24 (6) of section 77-2716, no adjustment shall be allowed for a change from  
25 any election made or the method used in computing federal taxable income.  
26 An election to file a federal consolidated return shall not require the  
27 inclusion in any unitary group of a corporation that is not a part of the  
28 unitary business;

29 (14) Intangible property means all personal property which is not  
30 tangible personal property and includes, but is not limited to, patents,  
31 copyrights, trademarks, trade names, service names, franchises, licenses,  
1 royalties, processes, techniques, formulas, and technical know-how but  
2 excludes money;

3 (15) Loan means any extension of credit resulting from direct  
4 negotiations between the taxpayer and its customer or the purchase, in  
5 whole or in part, of an extension of credit from another person. Loan  
6 includes participations, syndications, and leases treated as loans for  
7 federal income tax purposes. Loan does not include properties treated as  
8 loans under section 595 of the Internal Revenue Code prior to its repeal  
9 by Public Law 104-188, futures or forward contracts, options, notional  
10 principal contracts such as swaps, credit card receivables, including  
11 purchased credit card relationships, noninterest bearing balances due  
12 from depository institutions, cash items in the process of collection,  
13 federal funds sold, securities purchased under agreements to resell,  
14 assets held in a trading account, securities, interests in a real estate  
15 mortgage investment conduit or other mortgage-backed or asset-backed  
16 security, and other similar items;

17 (16) Loan secured by real property means a loan or other obligation  
18 which, at the time the original loan or obligation was incurred or during

19 the current taxable year, was secured by real property. A loan secured by  
20 real property includes an installment sales contract for real property;  
21 (17) Loan secured by tangible personal property means a loan or  
22 other obligation which, at the time the original loan or obligation was  
23 incurred or during the current taxable year, was secured by tangible  
24 personal property. A loan secured by tangible personal property includes  
25 an installment sales contract for tangible personal property;  
26 (18) Loan servicing fee includes (a) fees or charges for originating  
27 and processing loan applications, including, but not limited to, prepaid  
28 interest and loan discounts, (b) fees or charges for collecting,  
29 tracking, and accounting for loan payments received, and (c) gross  
30 receipts from the sale of loan servicing rights;  
31 (19) Participation means an extension of credit in which an  
1 undivided ownership interest is held on a pro rata basis in a single loan  
2 or pool of loans and related collateral;  
3 (20) Sales means all gross receipts of the taxpayer, except:  
4 (a) Income from discharge of indebtedness;  
5 (b) Amounts received from hedging transactions involving intangible  
6 assets; or  
7 (c) Net gains from marketable securities held for investment;  
8 (21) Single economic unit means a business in which there is a  
9 sharing or exchange of value between the parts of the unit. A sharing or  
10 exchange of value occurs when the parts of the business are linked by (a)  
11 common management or (b) common operational resources that produce  
12 material (i) economies of scale, (ii) transfers of value, or (iii) flow  
13 of goods, capital, or services between the parts of the unit.  
14 (A) For the purposes of this subdivision, common management  
15 includes, but is not limited to, (I) a centralized executive force or  
16 (II) review or approval authority over long-term operations with or  
17 without the exercise of control over the day-to-day operations.  
18 (B) For the purposes of this subdivision, common operational  
19 resources includes, but is not limited to, centralization of any of the  
20 following: Accounting, advertising, engineering, financing, insurance,  
21 legal, personnel, pension or benefit plans, purchasing, research and  
22 development, selling, or union relations;  
23 (22) State means any state of the United States, the District of  
24 Columbia, the Commonwealth of Puerto Rico, any territory or possession of  
25 the United States, and any foreign country or political subdivision  
26 thereof;  
27 (23) Subject to the Internal Revenue Code means a corporation that  
28 meets the requirements of section 243 of the Internal Revenue Code in  
29 order for its distributions to qualify for the dividends-received  
30 deduction;  
31 (24) Taxable income means federal taxable income as adjusted and, if  
1 appropriate, as apportioned;  
2 (25) Taxable year means the period the corporate taxpayer used on  
3 its federal income tax return;  
4 (26) Treasury function is the pooling, management, and investment of  
5 intangible assets to satisfy the cash-flow needs of the trade or

6 business, including, but not limited to, providing liquidity for a  
7 taxpayer's business cycle, providing a reserve for business  
8 contingencies, or business acquisitions. A taxpayer principally engaged  
9 in the trade or business of purchasing and selling intangible assets of  
10 the type typically held in a taxpayer's treasury function, such as a  
11 registered broker-dealer, is not performing a treasury function with  
12 respect to income so produced;  
13 (27) Unitary business means a business that is conducted as a single  
14 economic unit by one or more corporations with common ownership and shall  
15 include all activities in different lines of business that contribute to  
16 the single economic unit.  
17 For the purposes of this subdivision, common ownership means one or  
18 more corporations owning fifty percent or more of another corporation;  
19 and  
20 (28) Unitary group means the group of corporations that are  
21 conducting a unitary business.  
22 Sec. 2. Original section 77-2734.04, Reissue Revised Statutes of  
23 Nebraska, is repealed.

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

Room 1510

Wednesday, April 3, 2019 12:30 p.m.

AM974

Note: Amendment to LB288

**GENERAL FILE**

**LEGISLATIVE BILL 169.** Senator Groene renewed his amendment, AM804, found on page 927 and considered on pages 928 and 948, to the committee amendment.

**SENATOR HUGHES PRESIDING**

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Groene amendment.

Pending.

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

Senator Wayne filed the following amendments to LB675:

FA27

Strike section 2.

FA28

Strike section 8.

FA29

Strike section 16.

FA30

Strike section 52.

FA31

Strike section 57.

Senator Wayne filed the following amendment to LB147:

FA32

Add new section:

Sec. 4 Sections 2 and 3 of this Act shall only apply to Class III school districts located within a county with a population between 35,000 and 40,000.

Senator Wayne filed the following amendment to LB148:

FA33

Amend AM421

On page 5, lines 6-7, strike "described in subdivision (1)(a)(i) of section 84-1409" and insert "located within a county with a population between 35,000 and 40,000".

Senator Wayne filed the following amendment to LB606:

FA34

On page 2, line 1, after "district" insert "located within a city of the metropolitan class".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 61.** Introduced by Arch, 14; Blood, 3; Clements, 2; Crawford, 45; La Grone, 49.

WHEREAS, the 55th Wing is a unit of the United States Air Force and is the largest wing in Air Combat Command; and

WHEREAS, the 55th Wing, known as the Fightin' Fifty-fifth, is over 75 years old and was a fighter wing during World War II; and

WHEREAS, the 55th Wing was reconstituted as the 55th Strategic Reconnaissance Wing in 1948 and finally renamed the 55th Wing in 1991; and

WHEREAS, the 55th Wing has been stationed at Offutt Air Force Base since 1966; and

WHEREAS, the 55th Wing provides premier reconnaissance, real-time intelligence, command and control, information warfare, and combat support around the world; and

WHEREAS, the 55th Wing is proudly supported by the 55th Wing Association, comprised of veterans who have served in the Fightin' Fifty-fifth in the United States Air Force; and

WHEREAS, the 55th Wing Association, an exemplar alumni organization, works tirelessly at supporting members of the 55th Wing as embodied in its credo, "Honoring those who served and serving those who do".

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

1. That the Legislature recognizes the contributions of the 55th Wing and the 55th Wing Association and commends the exceptional relationship between military personnel and veteran citizens.

2. That the Legislature expresses appreciation to the members of the 55th Wing and the 55th Wing Association for their ongoing contribution to maintaining safety and security around the world for Nebraska and the United States.

3. That copies of this resolution be sent to the 55th Wing at Offutt Air Force Base and the 55th Wing Association.

Laid over.

**LEGISLATIVE RESOLUTION 62.** Introduced by Bolz, 29; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Thomas K. Casady is well known for his distinguished career in law enforcement, protecting the public and assisting victims; and

WHEREAS, Tom Casady, a Lincoln native, graduated from Northeast High School and earned a bachelor's degree in criminology and criminal justice from the University of Nebraska at Omaha and a Master of Arts in political science from the University of Nebraska-Lincoln; and

WHEREAS, Tom Casady joined the Lincoln Police Department in 1974 and rose to the rank of lieutenant in 1986; and

WHEREAS, Tom Casady was appointed as the Lancaster County Chief Deputy Sheriff in 1987 and then as the Lancaster County Sheriff in 1991; and

WHEREAS, in 1994, Tom Casady was appointed by Mayor Mike Johanns as Chief of Police for the City of Lincoln, where he served for 17 years; and

WHEREAS, Mayor Chris Beutler appointed Tom Casady as the Public Safety Director for the City of Lincoln in 2011, where he served honorably for the last eight years; and

WHEREAS, Tom Casady retired in March 2019, leaving a remarkable 45 year legacy in law enforcement.

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

1. That the Legislature extends its appreciation to Tom Casady for his 45 year career in public service and his dedication to Lincoln and Lancaster County.
2. That the Legislature congratulates Tom Casady on his retirement.
3. That a copy of this resolution be sent to Tom Casady.

Laid over.

**LEGISLATIVE RESOLUTION 63.** Introduced by Linehan, 39; Friesen, 34; Groene, 42.

PURPOSE: To study educational service units, including, but not limited to, the structure, duties, current projects, and financing of educational service units.

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

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

Referred to the Executive Board.

#### GENERAL FILE

**LEGISLATIVE BILL 169.** The Groene amendment, AM804, found on page 927 and considered on pages 928, 948, and in this day's Journal, to the committee amendment, was renewed.

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Groene amendment.

Senator Howard challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Howard withdrew her motion to overrule the Chair.

Senator Groene withdrew his amendment, AM804.

Pending.

**COMMITTEE REPORT(S)**

## Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard Grauerholz - State Emergency Response Commission

Aye: 8 Blood, Brewer, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tim Hofbauer - State Emergency Response Commission

Aye: 7 Blood, Brewer, Hansen, M., Hilgers, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 1 Hunt.

(Signed) Tom Brewer, Chairperson

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

Senator Morfeld filed the following amendment to LB352:  
AM955

(Amendments to Standing Committee amendments, AM761)

- 1 1. Strike the original amendments and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. For purposes of sections 1 to 6 of this act:
- 6 (1) Benefit means any plea bargain, bail consideration, reduction or
- 7 modification of sentence, or any other leniency, immunity, financial
- 8 payment, reward, or amelioration of current or future conditions of
- 9 incarceration that has been requested by the jailhouse informant or that
- 10 has been offered or may be offered in the future to the jailhouse
- 11 informant in connection with his or her testimony in the criminal
- 12 proceeding in which the prosecutor intends to call him or her as a
- 13 witness; and
- 14 (2) Jailhouse informant means a person who offers testimony about
- 15 statements made by a suspect or defendant while the suspect or defendant
- 16 and jailhouse informant were in the custody of any jail or correctional
- 17 institution and who has requested or received or may in the future
- 18 receive a benefit in connection with such testimony.
- 19 Sec. 2. Sections 1 to 6 of this act apply to any case in which a

20 suspect or defendant is charged with a felony.  
21 Sec. 3. Each prosecutor's office shall undertake measures to  
22 maintain a searchable record of:  
23 (1) Each case in which:  
24 (a) Trial testimony is offered or provided by a jailhouse informant  
25 against a suspect's or defendant's interest; or  
26 (b) A statement from a jailhouse informant against a suspect's or  
1 defendant's interest is used and a criminal conviction is obtained; and  
2 (2) Any benefit requested by or offered or provided to a jailhouse  
3 informant in connection with such statement or trial testimony.  
4 Sec. 4. (1) Except as provided in subsection (3) of this section,  
5 if a prosecutor intends to use the testimony or statement of a jailhouse  
6 informant at a defendant's trial, the prosecutor shall disclose to the  
7 defense:  
8 (a) The known criminal history of the jailhouse informant;  
9 (b) Any benefit requested by or offered or provided to a jailhouse  
10 informant or that may be offered or provided to the jailhouse informant  
11 in the future in connection with such testimony;  
12 (c) The specific statements allegedly made by the defendant against  
13 whom the jailhouse informant will testify or provide a statement and the  
14 time, place, and manner of the defendant's disclosures;  
15 (d) The case name and jurisdiction of any criminal case known to the  
16 prosecutor in which the jailhouse informant testified or a prosecutor  
17 intended to have the jailhouse informant testify about statements made by  
18 another suspect or criminal defendant that were disclosed to the  
19 jailhouse informant and whether the jailhouse informant requested, was  
20 offered, or received any benefit in exchange for or subsequent to such  
21 testimony; and  
22 (e) Any occasion known to the prosecutor in which the jailhouse  
23 informant recanted testimony about statements made by another suspect or  
24 defendant that were disclosed to the jailhouse informant and any  
25 transcript or copy of such recantation.  
26 (2) The prosecutor shall disclose the information described in  
27 subsection (1) of this section to the defense as soon as practicable  
28 after discovery, but no later than thirty days before trial. If the  
29 prosecutor seeks to introduce the testimony of a jailhouse informant that  
30 was not known until after such deadline, or if the information described  
31 in subsection (1) of this section could not have been discovered or  
1 obtained by the prosecutor with the exercise of due diligence at least  
2 thirty days before the trial or other criminal proceeding, the court may  
3 permit the prosecutor to disclose the information as soon as is  
4 practicable after the thirty-day period.  
5 (3) If the court finds by clear and convincing evidence that  
6 disclosing information listed in subsection (1) of this section will  
7 result in the possibility of bodily harm to a jailhouse informant or that  
8 a jailhouse informant will be coerced, the court may permit the  
9 prosecutor to redact some or all of such information.  
10 (4) If, at any time subsequent to the deadline in subsection (2) of  
11 this section, the prosecutor discovers additional material required to be

12 disclosed under subsection (1) of this section, the prosecutor shall  
13 promptly:

14 (a) Notify the court of the existence of the additional material;

15 and

16 (b) Disclose such material to the defense, except as provided in  
17 subsection (3) of this section.

18 Sec. 5. If a jailhouse informant receives leniency related to a  
19 pending charge, a conviction, or a sentence for a crime against a victim  
20 as defined in section 29-119, in connection with offering or providing  
21 testimony against a suspect or defendant, the prosecutor shall notify  
22 such victim. Prior to reaching a plea agreement, the prosecutor shall  
23 proceed as provided in subsection (1) of section 23-1201. For purposes of  
24 this section, leniency means any plea bargain, reduced or dismissed  
25 charges, bail consideration, or reduction or modification of sentence.

26 Sec. 6. If, at any time during the course of the proceedings, it is  
27 brought to the attention of the court that the prosecutor has failed to  
28 comply with section 4 of this act, or an order issued pursuant to this  
29 section, the court may:

30 (1) Order the prosecutor to disclose materials not previously  
31 disclosed;

1 (2) Grant a continuance;

2 (3) Prohibit the prosecutor from calling a witness not disclosed or  
3 introducing in evidence the material not disclosed; or

4 (4) Enter such other order as it deems just under the circumstances.

5 Sec. 7. Section 29-1912, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-1912 (1) When a defendant is charged with a felony or when a  
8 defendant is charged with a misdemeanor or a violation of a city or  
9 village ordinance for which imprisonment is a possible penalty, he or she  
10 may request the court where the case is to be tried, at any time after  
11 the filing of the indictment, information, or complaint, to order the  
12 prosecuting attorney to permit the defendant to inspect and copy or  
13 photograph:

14 (a) The defendant's statement, if any. For purposes of this  
15 subdivision, statement means a written statement made by the defendant  
16 and signed or otherwise adopted or approved by him or her, or a  
17 stenographic, mechanical, electrical, or other recording, or a  
18 transcription thereof, which is a substantially verbatim recital of an  
19 oral statement made by the defendant to an agent of the prosecution,  
20 state, or political subdivision thereof, and recorded contemporaneously  
21 with the making of such oral statement;

22 (b) The defendant's prior criminal record, if any;

23 (c) The defendant's recorded testimony before a grand jury;

24 (d) The names and addresses of witnesses on whose evidence the  
25 charge is based;

26 (e) The results and reports of physical or mental examinations, and  
27 of scientific tests, or experiments made in connection with the  
28 particular case, or copies thereof; and

29 (f) Documents, papers, books, accounts, letters, photographs,

30 objects, or other tangible things of whatsoever kind or nature which  
31 could be used as evidence by the prosecuting authority.;

1 ~~(g) The known criminal history of a jailhouse witness;~~

2 ~~(h) Any deal, promise, inducement, or benefit that the prosecuting  
3 attorney or any person acting on behalf of the prosecuting attorney has  
4 knowingly made or may make in the future to the jailhouse witness;~~

5 ~~(i) The specific statements allegedly made by the defendant against  
6 whom the jailhouse witness will testify and the time, place, and manner  
7 of the defendant's disclosures;~~

8 ~~(j) The case name and jurisdiction of any criminal cases known to  
9 the prosecuting attorney in which a jailhouse witness testified about  
10 statements made by another criminal defendant that were disclosed to the  
11 jailhouse witness while he or she was a jailhouse witness and whether the  
12 jailhouse witness received any deal, promise, inducement, or benefit in  
13 exchange for or subsequent to such testimony; and~~

14 ~~(k) Any occasion known to the prosecuting attorney in which the  
15 jailhouse witness recanted testimony about statements made by another  
16 criminal defendant that were disclosed to the jailhouse witness while he  
17 or she was a jailhouse witness and, if any are known, a transcript or  
18 copy of such recantation.~~

19 (2) The court may issue such an order pursuant to the provisions of  
20 this section. In the exercise of its judicial discretion, the court shall  
21 consider among other things whether:

22 (a) The request is material to the preparation of the defense;

23 (b) The request is not made primarily for the purpose of harassing  
24 the prosecution or its witnesses;

25 (c) The request, if granted, would not unreasonably delay the trial  
26 of the offense and an earlier request by the defendant could not have  
27 reasonably been made;

28 (d) There is no substantial likelihood that the request, if granted,  
29 would preclude a just determination of the issues at the trial of the  
30 offense; or

31 (e) The request, if granted, would not result in the possibility of  
1 bodily harm to, or coercion of, witnesses.

2 (3) Whenever the court refuses to grant an order pursuant to the  
3 provisions of this section, it shall render its findings in writing  
4 together with the facts upon which the findings are based.

5 (4) Whenever the prosecuting attorney believes that the granting of  
6 an order under the provisions of this section will result in the  
7 possibility of bodily harm to witnesses or that witnesses will be  
8 coerced, the court may permit him or her to make such a showing in the  
9 form of a written statement to be inspected by the court alone. The  
10 statement shall be sealed and preserved in the records of the court to be  
11 made available to the appellate court in the event of an appeal by the  
12 defendant.

13 (5) This section does not apply to jailhouse informants as defined  
14 in section 1 of this act. Sections 1 to 6 of this act govern jailhouse  
15 informants. For purposes of subdivisions (1)(g) through (k) of this  
16 section, jailhouse witness means a person in the physical custody of any

17 ~~jail or correctional institution as (a) an accused defendant, (b) a~~  
18 ~~convicted defendant awaiting sentencing, or (c) a convicted defendant~~  
19 ~~-serving a sentence of incarceration, at the time the statements the~~  
20 ~~jailhouse witness will testify about were disclosed.~~  
21 Sec. 8. Original section 29-1912, Reissue Revised Statutes of  
22 Nebraska, is repealed.

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

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

Senator Moser name added to LB15.

Senator Kolterman name added to LB657.

#### **VISITOR(S)**

Visitors to the Chamber were Chris Klinger and members of Leadership Beatrice; students from St. Bernadette Catholic School, Bellevue; and students from St. Columbkille Catholic School, Papillion.

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

#### **ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, March 27, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**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
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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

**FIFTIETH DAY - MARCH 28, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 28, 2019

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Hilgers who was excused; and Senators B. Hansen, Howard, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 27, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bromm Nielsen & Mines  
Vapor Technology Association  
Clark, Jacqueline  
Ash Grove Cement Company (Withdrawn 03/25/2019)  
Fletcher, Eric  
Allegiant Air  
Galbraith, Brad  
Excellence in Education National, Inc., d/b/a Excellence in Education in Action  
Harrold, Michael D.  
Express Scripts Holding Co. (Withdrawn 03/26/2019)  
Jensen Rogert Associates, Inc.

Bromm Nielsen & Mines  
 Norby, Scott J.  
 Nebraska State Education Association  
 Welding, Nicholas J.  
 Nebraska State Education Association

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### SPEAKER SCHEER PRESIDING

#### MOTION(S) - Confirmation Report(s)

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 991:

State Emergency Response Commission  
 Richard Grauerholz

### SENATOR HUGHES PRESIDING

### SPEAKER SCHEER PRESIDING

Voting in the affirmative, 40:

Albrecht	Chambers	Gragert	Hunt	Quick
Arch	Clements	Groene	Kolowski	Scheer
Blood	Crawford	Halloran	Kolterman	Slama
Bostelman	DeBoer	Hansen, B.	La Grone	Stinner
Brandt	Dorn	Hansen, M.	Linehan	Vargas
Brewer	Erdman	Hilkemann	Lowe	Walz
Briese	Friesen	Howard	McDonnell	Williams
Cavanaugh	Geist	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Morfeld	Pansing Brooks
Lathrop	Murman	Wayne

Excused and not voting, 3:

Hilgers	Lindstrom	McCollister
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not

voting, and 3 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 991:

State Emergency Response Commission  
Tim Hofbauer

### SENATOR WILLIAMS PRESIDING

Voting in the affirmative, 41:

Albrecht	Chambers	Groene	Lathrop	Vargas
Arch	Clements	Hansen, B.	Lowe	Walz
Blood	Crawford	Hansen, M.	McDonnell	Wayne
Bolz	DeBoer	Hilkemann	Moser	Williams
Bostelman	Dorn	Howard	Murman	Wishart
Brandt	Erdman	Hughes	Pansing Brooks	
Brewer	Friesen	Kolowski	Quick	
Briese	Geist	Kolterman	Scheer	
Cavanaugh	Gragert	La Grone	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Halloran      Hunt      Linehan

Excused and not voting, 5:

Hilgers      Lindstrom      McCollister      Morfeld      Stinner

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORT(S) Business and Labor

**LEGISLATIVE BILL 178.** Placed on General File.

**LEGISLATIVE BILL 428.** Placed on General File with amendment.  
AM758

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

2 sections:

3 Section 1. Section 48-628.13, Revised Statutes Cumulative

4 Supplement, 2018, is amended to read:

5 48-628.13 Good cause for voluntarily leaving employment shall

6 include, but not be limited to, the following reasons:

7 (1) An individual has made all reasonable efforts to preserve the  
8 employment but voluntarily leaves his or her work for the necessary  
9 purpose of escaping abuse at the place of employment or abuse as defined  
10 in section 42-903 between household members;

11 (2) An individual left his or her employment voluntarily due to a  
12 bona fide non-work-connected illness or injury that prevented him or her  
13 from continuing the employment or from continuing the employment without  
14 undue risk of harm to the individual;

15 (3) An individual left his or her employment to accompany his or her  
16 spouse to the spouse's employment in a different city or new military  
17 duty station;

18 (4) An individual left his or her employment because his or her  
19 employer required the employee to relocate;

20 (5)(a) An individual is a construction worker and left his or her  
21 employment voluntarily for the purpose of accepting previously secured  
22 insured work in the construction industry if the commissioner finds that:

23 (i)(A) The quit occurred within thirty days immediately prior to the  
24 established termination date of the job which the individual voluntarily  
25 leaves, (B) the specific starting date of the new job is prior to the  
26 established termination date of the job which the worker quits, (C) the  
27 new job offered employment for a longer period of time than remained  
1 available on the job which the construction worker voluntarily quit, and  
2 (D) the worker had worked at least twenty days or more at the new job  
3 after the established termination date of the previous job unless the new  
4 job was terminated by a contract cancellation; or

5 (ii)(A) The construction worksite of the job which the worker quit  
6 was more than fifty miles from his or her place of residence, (B) the new  
7 construction job was fifty or more miles closer to his or her residence  
8 than the job which he or she quit, and (C) the worker actually worked  
9 twenty days or more at the new job unless the new job was terminated by a  
10 contract cancellation.

11 (b) The provisions of this subdivision (5) shall not apply if the  
12 individual is separated from the new job under conditions resulting in a  
13 disqualification from benefits under section 48-628.10 or 48-628.12;

14 (6) An individual accepted a voluntary layoff to avoid bumping  
15 another worker;

16 (7) An individual left his or her employment as a result of being  
17 directed to perform an illegal act;

18 (8) An individual left his or her employment because of unlawful  
19 discrimination or workplace harassment on the basis of race, sex, or age;

20 (9) An individual left his or her employment because of unsafe  
21 working conditions;

22 (10) An individual left his or her employment to attend school; ~~or~~

23 (11) An individual has made all reasonable efforts to preserve  
24 employment but voluntarily leaves employment for the purpose of caring  
25 for a family member with a serious health condition. For purposes of this  
26 subdivision:

27 (a) Family member means:

28 (i) A biological, adopted, or foster child, a stepchild, or a legal

29 ward of the individual or the individual's spouse or a person to whom the

30 individual or the individual's spouse stood in loco parentis when such  
31 person was a minor child, regardless of the age or dependency status of  
1 such child, stepchild, legal ward, or person;

2 (ii) A biological, adoptive, or foster parent, a stepparent, or a  
3 legal guardian of the individual or the individual's spouse or a person  
4 who stood in loco parentis to the individual or the individual's spouse  
5 when the individual or the individual's spouse was a minor child;

6 (iii) The individual's spouse; or

7 (iv) A grandparent, grandchild, or sibling, whether of a biological,  
8 foster, adoptive, or step relationship, of the individual or the  
9 individual's spouse; and

10 (b) Serious health condition has the same meaning as in 29 U.S.C.  
11 2611, as such section existed on January 1, 2019; or

12 (12) (11) Equity and good conscience demand a finding of good cause.  
13 Sec. 2. Section 48-648.02, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 48-648.02 (1) For tax years beginning before January 1, 2020, as As  
16 used in sections 48-648 and 48-649 to 48-649.04 only, the term wages  
17 shall not include that part of the remuneration paid to an individual by  
18 an employer or by the predecessor of such employer with respect to  
19 employment within this or any other state during a calendar year which  
20 exceeds nine thousand dollars unless that part of the remuneration is  
21 subject to a federal law imposing a tax against which credit may be taken  
22 for contributions required to be paid into a state unemployment fund.

23 (2) For tax years beginning on or after January 1, 2020, as used in  
24 sections 48-648 and 48-649 to 48-649.04 only:

25 (a) Except as to employers assigned to category twenty under section  
26 48-649.03, the term wages shall not include that part of the remuneration  
27 paid to an individual by an employer or by the predecessor of such  
28 employer with respect to employment within this or any other state during  
29 a calendar year which exceeds nine thousand dollars unless that part of  
30 the remuneration is subject to a federal law imposing a tax against which  
31 credit may be taken for contributions required to be paid into a state  
1 unemployment fund; and

2 (b) For employers assigned to category twenty under section  
3 48-649.03, the term wages shall not include that part of the remuneration  
4 paid to an individual by an employer or by the predecessor of such  
5 employer with respect to employment within this or any other state during  
6 a calendar year which exceeds twenty-four thousand dollars unless that  
7 part of the remuneration is subject to a federal law imposing a tax  
8 against which credit may be taken for contributions required to be paid  
9 into a state unemployment fund.

10 Sec. 3. Section 48-652, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12 48-652 (1)(a) A separate experience account shall be established for  
13 each employer who is liable for payment of combined tax. Whenever and  
14 wherever in the Employment Security Law the terms reserve account or  
15 experience account are used, unless the context clearly indicates  
16 otherwise, such terms shall be deemed interchangeable and synonymous and  
17 reference to either of such accounts shall refer to and also include the

18 other.

19 (b) A separate reimbursement account shall be established for each  
20 employer who is liable for payments in lieu of contributions. All  
21 benefits paid with respect to service in employment for such employer  
22 shall be charged to his or her reimbursement account, and such employer  
23 shall be billed for and shall be liable for the payment of the amount  
24 charged when billed by the commissioner. Payments in lieu of  
25 contributions received by the commissioner on behalf of each such  
26 employer shall be credited to such employer's reimbursement account, and  
27 two or more employers who are liable for payments in lieu of  
28 contributions may jointly apply to the commissioner for establishment of  
29 a group account for the purpose of sharing the cost of benefits paid that  
30 are attributable to service in the employ of such employers. The  
31 commissioner shall adopt and promulgate such rules and regulations as he  
1 or she deems necessary with respect to applications for establishment,  
2 maintenance, and termination of group accounts authorized by this  
3 subdivision.

4 (2) All contributions paid by an employer shall be credited to the  
5 experience account of such employer. State unemployment insurance tax  
6 payments shall not be credited to the experience account of each  
7 employer. Partial payments of combined tax shall be credited so that at  
8 least eighty percent of the combined tax payment excluding interest and  
9 penalty is credited first to contributions due. Contributions with  
10 respect to prior years which are received on or before January 31 of any  
11 year shall be considered as having been paid at the beginning of the  
12 calendar year. All voluntary contributions which are received on or  
13 before January 10 of any year shall be considered as having been paid at  
14 the beginning of the calendar year.

15 (3)(a) Each experience account shall be charged only for benefits  
16 based upon wages paid by such employer. No benefits shall be charged to  
17 the experience account of any employer if:

18 (i) Such benefits were paid on the basis of a period of employment  
19 from which the claimant (A) left work voluntarily without good cause, (B)  
20 left work voluntarily due to a nonwork-connected illness or injury, (C)  
21 left work voluntarily with good cause to escape abuse as defined in  
22 section 42-903 between household members as provided in subdivision (1)  
23 of section 48-628.13, (D) left work from which he or she was discharged  
24 for misconduct connected with his or her work, (E) left work voluntarily  
25 and is entitled to unemployment benefits without disqualification in  
26 accordance with subdivision (3), ~~or (5)~~, or (11) of section 48-628.13, or  
27 (F) was involuntarily separated from employment and such benefits were  
28 paid pursuant to section 48-628.17; and

29 (ii) The employer has filed timely notice of the facts on which such  
30 exemption is claimed in accordance with rules and regulations adopted and  
31 promulgated by the commissioner.

1 (b) No benefits shall be charged to the experience account of any  
2 employer if such benefits were paid during a week when the individual was  
3 participating in training approved under section 236(a)(1) of the federal  
4 Trade Act of 1974, 19 U.S.C. 2296(a)(1).

5 (c) Each reimbursement account shall be charged only for benefits

6 paid that were based upon wages paid by such employer in the base period  
7 that were wages for insured work solely by reason of section 48-627.01.

8 (d)(i) Benefits paid to an eligible individual shall be charged  
9 against the account of his or her most recent employers within his or her  
10 base period against whose accounts the maximum charges hereunder have not  
11 previously been made in the inverse chronological order in which the  
12 employment of such individual occurred. The maximum amount so charged  
13 against the account of any employer, other than an employer for which  
14 services in employment as provided in subdivision (4)(a) of section  
15 48-604 are performed, shall not exceed the total benefit amount to which  
16 such individual was entitled as set out in section 48-626 with respect to  
17 base period wages of such individual paid by such employer plus one-half  
18 the amount of extended benefits paid to such eligible individual with  
19 respect to base period wages of such individual paid by such employer.  
20 The commissioner shall adopt and promulgate rules and regulations  
21 determining the manner in which benefits shall be charged against the  
22 account of several employers for whom an individual performed employment  
23 during the same quarter or during the same base period.

24 (ii) Any benefit check duly issued and delivered or mailed to a  
25 claimant and not presented for payment within one year from the date of  
26 its issue may be invalidated and the amount thereof credited to the  
27 Unemployment Compensation Fund, except that a substitute check may be  
28 issued and charged to the fund on proper showing at any time within the  
29 year next following. Any charge made to an employer's account for any  
30 such invalidated check shall stand as originally made.

31 (4)(a) An employer's experience account shall be terminated one  
1 calendar year after such employer has ceased to be subject to the  
2 Employment Security Law, except that if the commissioner finds that an  
3 employer's business is closed solely because one or more of the owners,  
4 officers, partners, or limited liability company members, or the majority  
5 stockholder entered the armed forces of the United States, or of any of  
6 its allies, such employer's account shall not be terminated and, if the  
7 business is resumed within two years after the discharge or release from  
8 active duty in the armed forces of such person or persons, the employer's  
9 experience account shall be deemed to have been continuous throughout  
10 such period.

11 (b) An experience account terminated pursuant to this subsection  
12 shall be reinstated if:

13 (i) The employer becomes subject again to the Employment Security  
14 Law within one calendar year after termination of such experience  
15 account;

16 (ii) The employer makes a written application for reinstatement of  
17 such experience account to the commissioner within two calendar years  
18 after termination of such experience account; and

19 (iii) The commissioner finds that the employer is operating  
20 substantially the same business as prior to the termination of such  
21 experience account.

22 (5) All money in the Unemployment Compensation Fund shall be kept  
23 mingled and undivided. In no case shall the payment of benefits to an  
24 individual be denied or withheld because the experience account of any

25 employer does not have a total of contributions paid in excess of  
 26 benefits charged to such experience account.  
 27 (6)(a) For benefit years beginning before September 3, 2017, if an  
 28 individual's base period wage credits represent part-time employment for  
 29 a contributory employer and the contributory employer continues to employ  
 30 the individual to the same extent as during the base period, then the  
 31 contributory employer's experience account shall not be charged if the  
 1 contributory employer has filed timely notice of the facts on which such  
 2 exemption is claimed in accordance with rules and regulations adopted and  
 3 promulgated by the commissioner.  
 4 (b) For benefit years beginning on or after September 3, 2017, if an  
 5 individual's base period wage credits represent part-time employment for  
 6 an employer and the employer continues to employ the individual to the  
 7 same extent as during the base period, then the employer's experience  
 8 account, in the case of a contributory employer, or the employer's  
 9 reimbursement account, in the case of a reimbursable employer, shall not  
 10 be charged if the employer has filed timely notice of the facts on which  
 11 such exemption is claimed in accordance with rules and regulations  
 12 prescribed by the commissioner.  
 13 (7) If a contributory employer responds to the department's request  
 14 for information within the time period set forth in subsection (1) of  
 15 section 48-632 and provides accurate information as known to the employer  
 16 at the time of the response, the employer's experience account shall not  
 17 be charged if the individual's separation from employment is voluntary  
 18 and without good cause as determined under section 48-628.12.  
 19 Sec. 4. Original sections 48-628.13, 48-648.02, and 48-652, Revised  
 20 Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 464.** Placed on General File with amendment.  
 AM895 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
 Business and Labor

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

Steven Bley - Boiler Safety Code Advisory Board  
 Scott Hollman - Boiler Safety Code Advisory Board  
 Thomas Phipps - Boiler Safety Code Advisory Board

Aye: 6 Crawford, Halloran, Hansen, B., Hansen, M., Lathrop, Slama. Nay:  
 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Matt Hansen, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 719A.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 719, One Hundred Sixth Legislature, First Session, 2019.

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

Senator Blood filed the following amendment to LB138:  
AM930

(Amendments to Standing Committee amendments, AM783)

1 1. On page 22, line 20, strike "forty" and insert "seventy".

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

Senator Wayne filed the following motion to LB619:  
MO43

Bracket until June 1, 2019.

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

Senator Wayne filed the following amendments to LB270:  
FA36

Amend ER53

Add new section: Sec. 43 This act becomes operative two years following the date the Governor signs the bill into law.

FA37

Amend ER53

On page 55, strike lines 23 and 24.

Senator Wayne filed the following amendments to LB269:  
AM1100

(Amendments to Quick amendments, AM611)

1 1. On page 13, line 6, strike "by the nearest highway", show as  
2 stricken, and insert "as shown by Google maps".

AM1101

(Amendments to Quick amendments, AM611)

1 1. On page 12, lines 5 and 6, strike ", primary, or first" and show  
2 as stricken.

AM1102

(Amendments to Quick amendments, AM611)

1 1. On page 12, lines 5 and 6, after "class" insert "located within a  
2 county with at least one hundred thousand inhabitants".

AM1103

(Amendments to Quick amendments, AM611)

1 1. On page 13, strike beginning with "Enforcement" in line 23  
 2 through the period in line 25 and show as stricken.

AM1104

(Amendments to Quick amendments, AM611)

1 1. On page 15, after line 1, insert the following new subsection:  
 2 "(8) For purposes of this section, school event or function means a  
 3 practice, game, match, or other contest for a sanctioned activity as  
 4 defined by the Nebraska State Activities Association as of January 1,  
 5 2019".

Senator M. Hansen filed the following amendment to LB217:

AM946

(Amendments to Standing Committee amendments, AM387)

1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9,  
 2 strike "(1)", show as stricken, and insert "(a)"; in line 11, strike  
 3 "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show  
 4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert  
 5 "(d)"; and after line 23 insert the following new subsection:  
 6 "(2) The changes made to this section by this legislative bill shall  
 7 not be construed so as to impair or affect the obligation of any lawful  
 8 contract in existence prior to the effective date of this act."

Senator Wayne filed the following amendment to LB356:

FA38

Amend AM731

On page 1, line 14, strike "Legislature" and insert "Constitution".

Senator Wayne filed the following amendment to LB524:

FA39

Amend AM332

On page 1 strike beginning with "or" on page 26 through the comma on line 27.

Senator Wayne filed the following amendment to LB270:

FA40

Amend ER53

On page 16, line 15 reinstate the stricken matter.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 64.** Introduced by Scheer, 19.

WHEREAS, 2019 marks the 40th anniversary of the establishment of diplomatic relations between the United States of America and the People's Republic of China. As one of the most important bilateral relationships in

the world, the U.S.-China relationship has produced benefits to the people in both countries and the world; and

WHEREAS, The annual trade volume between the U.S. and China has remained above \$500 billion in recent years, and reached \$633 billion in 2018, a figure 253 times the volume from 1979; and

WHEREAS, China was the third largest export market for U.S. goods and services in 2017, which supported 1 million U.S. jobs. States across the U.S. have seen significant increases in exports of goods and services to China in the past decade. With a population of nearly 1.4 billion people and a middle-income group of 400 million people, China is an important trading partner for the U.S. at present and in the future; and

WHEREAS, Over 14,000 Americans and Chinese fly across the Pacific Ocean every day for educational exchanges, business opportunities, and tourism, which has deepened people-to-people ties; and

WHEREAS, U.S.-China subnational exchanges and cooperation have flourished since 1979, with 50 pairs of sister-states-provinces and 227 pairs of sister-cities established. Subnational mechanisms such as the China-U.S. Governors' Forum, the China-U.S. Sub-national Legislatures Cooperation Forum, and the U.S.-China Sister-Cities Conference have provided effective channels for both sides to engage in practical cooperation; and

WHEREAS, Nebraska's exports to China reached \$480 million in 2017, and China has become Nebraska's fourth largest export market. Nebraska exports of goods and services to China increased by 92% and 454% respectively from 2008 to 2017. Over half of the beef exported to China from the U.S. is from Nebraska. The relationship with China has been mutually beneficial with great potential for future development; and

WHEREAS, Nebraska has two pairs of sister-state-province relations with the Chinese provinces of Guizhou and Shaanxi, which were established in 2004 and 2016 respectively. The sister relations have promoted long-term, mutually beneficial friendships between the two sides and also between our state and China.

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

1. That Nebraska celebrates our vibrant sister-state relationships with the Guizhou and Shaanxi provinces in China.
2. That the Legislature acknowledges the rich trade relationship between Nebraska and China.
3. That copies of this resolution be sent to the United States Secretary of State, Michael Pompeo, and Minister Xu Xueyuan of the Embassy of the People's Republic of China in Washington, D.C.

Laid over.

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

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

Senator Halloran name added to LB15.

Senator Vargas name added to LB86.

Senator Vargas name added to LB252.

Senator Vargas name added to LB641.

**WITHDRAW - Cointroducer(s)**

Senator Lowe name withdrawn from LB15.

**VISITOR(S)**

Visitors to the Chamber were Galen Kuska from Exeter; Pastor Jim Killough from Omaha; Ari and Isabel Foote and Alicia Carranza from New York City; Maren Elnes from Omaha; students from Ashland-Greenwood Elementary School; students and teachers from King Elementary School, Omaha; and students, teachers, and sponsors from Perkins County, Grant.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Tuesday, April 2, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIRST DAY - APRIL 2, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 2, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**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, Friesen, McCollister, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 657.** Placed on General File with amendment. AM988 is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58.

**MOTION(S) - Confirmation Report(s)**

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
 Greg Adams  
 Patricia Kircher  
 Paul Turman

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
 Greg Adams

Voting in the affirmative, 41:

Albrecht	Chambers	Halloran	Linehan	Vargas
Arch	Clements	Hansen, B.	Lowe	Walz
Blood	Crawford	Hilgers	McCollister	Wayne
Bolz	DeBoer	Hilkemann	Moser	Williams
Bostelman	Dorn	Howard	Murman	Wishart
Brandt	Friesen	Hunt	Quick	
Brewer	Geist	Kolowski	Scheer	
Briese	Gragert	Kolterman	Slama	
Cavanaugh	Groene	Lathrop	Stinner	

Voting in the negative, 0.

Present and not voting, 7:

Erdman	Hughes	Lindstrom	Pansing Brooks
Hansen, M.	La Grone	McDonnell	

Excused and not voting, 1:

Morfeld

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
Patricia Kircher

Voting in the affirmative, 40:

Albrecht	Cavanaugh	Groene	Kolterman	Scheer
Arch	Chambers	Halloran	Linehan	Slama
Blood	Clements	Hansen, B.	McCollister	Stinner
Bolz	Crawford	Hilkemann	McDonnell	Vargas
Bostelman	DeBoer	Howard	Morfeld	Walz
Brandt	Erdman	Hughes	Moser	Wayne
Brewer	Friesen	Hunt	Murman	Williams
Briese	Geist	Kolowski	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Dorn	Hansen, M.	La Grone	Lindstrom	Pansing Brooks
Gragert	Hilgers	Lathrop	Lowe	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

The third division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
Paul Turman

Voting in the affirmative, 38:

Albrecht	Cavanaugh	Halloran	Linehan	Stinner
Arch	Chambers	Hansen, B.	McDonnell	Vargas
Blood	Clements	Hilkemann	Morfeld	Walz
Bolz	Crawford	Howard	Moser	Wayne
Bostelman	Dorn	Hughes	Murman	Williams
Brandt	Erdman	Hunt	Quick	Wishart
Brewer	Geist	Kolowski	Scheer	
Briese	Groene	Kolterman	Slama	

Voting in the negative, 0.

Present and not voting, 11:

DeBoer	Hansen, M.	Lathrop	McCollister
Friesen	Hilgers	Lindstrom	Pansing Brooks
Gragert	La Grone	Low	

The appointment was confirmed with 38 ayes, 0 nays, and 11 present and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

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

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
 John Chaney

Voting in the affirmative, 41:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Blood	DeBoer	Hilkemann	Low	Vargas
Bolz	Dorn	Howard	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Quick	
Chambers	Halloran	La Grone	Scheer	
Clements	Hansen, B.	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Hansen, M.	Morfeld	Wishart
Gragert	Lindstrom	Pansing Brooks	

Excused and not voting, 1:

Brandt

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
Robert Engles

Senator Wayne offered the following motion:

Recommit confirmation report of Robert Engles to Education Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 17:

Blood	DeBoer	Lathrop	Quick	Wishart
Bolz	Howard	McDonnell	Vargas	
Cavanaugh	Hunt	Morfeld	Walz	
Chambers	Kolowski	Pansing Brooks	Wayne	

Voting in the negative, 28:

Albrecht	Dorn	Halloran	La Grone	Scheer
Arch	Erdman	Hansen, B.	Lindstrom	Slama
Brandt	Friesen	Hilgers	Lowe	Stinner
Brewer	Geist	Hilkemann	McCollister	Williams
Briese	Gragert	Hughes	Moser	
Clements	Groene	Kolterman	Murman	

Present and not voting, 3:

Bostelman      Crawford      Hansen, M.

Excused and not voting, 1:

Linehan

The Wayne motion to recommit the confirmation report to committee failed with 17 ayes, 28 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 87.** Placed on Select File with amendment.

ER62

1 1. On page 1, line 4, strike "change provisions relating to" and  
 2 insert "authorize"; strike line 6 and insert "the Job Training Cash Fund,  
 3 from the Site and Building Development"; and in line 7 after "Act" insert  
 4 "relating to opportunity zones as prescribed".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 135.** Placed on General File.**LEGISLATIVE BILL 347.** Placed on General File.**LEGISLATIVE BILL 541.** Placed on General File with amendment.

AM950

1 1. Insert the following new section:  
 2 Sec. 2. Each physician may inquire of a new patient who is at least  
 3 eighteen years of age and younger than forty-five years of age on the new  
 4 patient's intake form as to whether the patient is registered with the  
 5 bone marrow registry. If the patient states that the patient is not  
 6 registered with the bone marrow registry, the physician may provide  
 7 information developed and disseminated by the Department of Health and  
 8 Human Services regarding the bone marrow registry to the patient.  
 9 2. On page 2, line 14, after "(2)" insert "The department shall  
 10 provide information and educational materials to the public regarding  
 11 bone marrow donation. The department shall seek assistance from the  
 12 national marrow donor program to establish a system to distribute  
 13 materials, ensure that the materials are updated periodically, and fully  
 14 disclose the risks involved in donating bone marrow."  
 15 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 65.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out section 13-2402 of the Nebraska Revised Statutes, which requires the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 66.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 67.** Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School girls' basketball team won the 2019 Class D-1 Girls State Basketball Championship; and

WHEREAS, the Fremont-Bergan Knights defeated the Dundy County-Stratton Tigers by a score of 36-27; and

WHEREAS, the Fremont-Bergan Knights girls' basketball team exemplified the life-long skills of teamwork, persistence, and dedication; and

WHEREAS, the outstanding coaching and dedication of the finest fans fueled the Knights all season long; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Fremont Archbishop Bergan High School girls' basketball team on their outstanding season and on winning the 2019 Class D-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School girls' basketball team and Coach Nate Pribnow.

Laid over.

**LEGISLATIVE RESOLUTION 68.** Introduced by Walz, 15.

WHEREAS, the diagnosis known as post-traumatic stress disorder was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

WHEREAS, combat stress is an invisible wound that has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and that the word "disorder" carries a stigma that perpetuates this misconception; and

WHEREAS, electromagnetic brain imaging now shows previously invisible wounds, physical changes to the brain more accurately described as an injury than as a disorder; and

WHEREAS, referring to invisible wounds as a disorder can discourage the injured from seeking proper and timely medical treatment; and

WHEREAS, referring to such wounds as post-traumatic stress injury (PTSI) is less stigmatizing and viewed as more honorable, influencing those affected to seek treatment without fear of retribution or shame; and

WHEREAS, post-traumatic stress injury can occur following exposure to extremely traumatic events other than combat, such as, but not exclusive to, interpersonal violence, life-threatening accidents, and natural disasters; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve compassion and consideration, and those brave men and women of the United States Armed Forces who have endured these wounds in operational action especially deserve our respect and recognition; and

WHEREAS, timely and appropriate treatment of post-traumatic stress injury can diminish complications, avert further victimization, and reduce the number of related suicides.

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

1. That the Legislature recognizes June 2019 as Post-Traumatic Stress Injury Awareness Month in Nebraska, and June 27, 2019, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Department of Health and Human Services and the Department of Veterans' Affairs to continue working to educate victims and their families, as well as the general public, about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

**LEGISLATIVE RESOLUTION 69.** Introduced by Walz, 15.

WHEREAS, the Fremont High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament; and

WHEREAS, the Fremont team members, Cooper Phillips, Camden McKenzie, Cole Macaluso, Nate Stinemates, Garrett Hill, and Chris Emmons, showed remarkable skill, dedication, and perseverance in winning the state tournament; and

WHEREAS, the North Bend Central High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament; and

WHEREAS, the North Bend Central Tiger's Bowling Team exemplified outstanding teamwork and perseverance in winning the state tournament; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Fremont High School bowling team on winning the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament.

2. That the Legislature congratulates the North Bend Central High School boys bowling team on winning the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament.

3. That a copy of this resolution be sent to the Fremont High School boys bowling team and to the North Bend Central High School boys bowling team.

Laid over.

**LEGISLATIVE RESOLUTION 70.** Introduced by Walz, 15.

WHEREAS, the Fremont High School boys cross country team won the 2018 Class A Boys State Cross Country Championship; and

WHEREAS, the Fremont Tigers team members Jose Gonzalez, Wesley Ferguson, Ben Schulz, Owen Wagner, Reed Johannsen, and Ross McMahon exemplified outstanding team work and dedication; and

WHEREAS, the win represents the sixth state championship for the Tigers under the leadership of Coach McMahon; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Fremont High School boys cross country team on winning the 2018 Class A Boys State Cross Country Championship.

2. That a copy of this resolution be sent to Fremont High School and Coach McMahan.

Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School volleyball team won the 2018 Class D-1 State Volleyball Championship; and

WHEREAS, the Fremont-Bergan Knights defeated the Humphrey/Lindsay Holy Family Bulldogs in the championship with scores of 25-15, 25-18, and 25-14; and

WHEREAS, six different players recorded a kill in the championship match leading to the first state volleyball title for the Knights; and

WHEREAS, the outstanding coaching and dedication of the fans fueled the Knights all season long; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Archbishop Bergan High School volleyball team on an outstanding season and winning the 2018 Class D-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School volleyball team, Coach Wewel, and Coach Dieckmann.

Laid over.

**LEGISLATIVE RESOLUTION 72.** Introduced by McDonnell, 5.

WHEREAS, Nebraska has a rich history in agricultural based sports such as horse racing, rodeo, and equestrian sport; and

WHEREAS, equestrian events in the United States are sanctioned by the United States Equestrian Federation and the Federation Equestre Internationale (FEI); and

WHEREAS, the Omaha Equestrian Foundation hosts worldwide, national, and regional equestrian events including the Longines FEI World Cup Finals Jumping and Dressage 2017; and

WHEREAS, the Omaha Equestrian Foundation held the first annual International Omaha event in 2012; and

WHEREAS, in 2017 the Omaha Equestrian Foundation hosted Nebraska's first global championship, the FEI World Cup Finals. The finals brought over 52,000 people from 42 countries and all fifty states to Omaha. The economic impact to Nebraska was approximately \$18,000,000 and included the booking of over 8,000 hotel room nights. The event brought 235

journalists from 14 different countries to Omaha, and the Finals were broadcast on the NBC television network. The publicity led to 1,124 media placements locally, regionally, nationally, and internationally, including media placements in Australia, Belgium, Brazil, Canada, Denmark, France, Germany, Ireland, Italy, Jordan, New Zealand, Poland, Portugal, Qatar, the United Kingdom, and Uruguay; and

WHEREAS, in 2018, International Omaha drew in over 20,000 fans from 35 states and four foreign countries, generating 1,800 hotel room nights. Half of all tickets were sold to out-of-state attendees, and over 3,200 school children experienced the event through the promoters School Field Trip Program. In addition, the television broadcast and live-stream of the event reached 49 states and 20 countries; and

WHEREAS, the annual International Omaha spurs economic development and has increased demand for professional horse services locally. Equestrian lessons are up markedly in the area and a number of horse training, veterinary, and care professionals have relocated to Nebraska which is developing into the "Horse Capitol of the Midwest"; and

WHEREAS, the 2019 International Omaha event will be hosted in Omaha at the CHI Health Center on April 4, 5, 6, and 7; and

WHEREAS, the Omaha Equestrian Foundation has bid to host the Longines FEI World Cup Finals Jumping and FEI World Cup Finals Dressage 2023. The FEI will vote in June 2019 to determine the host for the FEI World Cup Finals 2023.

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

1. That the Legislature recognizes the Omaha Equestrian Foundation as an important economic development organization and the Longines FEI World Cup Finals as the world's premier equestrian event.
2. That the Legislature supports the Omaha Equestrian Foundation's bid to host the Longines FEI World Cup Finals in 2023 and strongly encourages the Federation Equestre Internationale to select Nebraska to host the event.
3. That a copy of this resolution be sent to the Omaha Equestrian Foundation and the Federation Equestre Internationale.

Laid over.

**LEGISLATIVE RESOLUTION 73.** Introduced by Crawford, 45.

WHEREAS, Brent Apo-Hruska represented the United States of America at the 2019 Special Olympics World Games in Abu Dhabi, competing in Unified Golf; and

WHEREAS, Brent was supported by his Unified Golf partner and stepfather Johnny Moen, and his mother Diane Moen; and

WHEREAS, Brent won a gold medal in the Unified Golf competition; and

WHEREAS, Brent graduated from Bellevue East High School and has been involved in golf and bowling programs through Special Olympics Nebraska for 15 years; and

WHEREAS, Brent, along with swimmer Katie Philpot of Kearney, are the first Nebraska athletes to participate in the Special Olympics World Games in nearly twenty years; and

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

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

1. That the Legislature congratulates Brent Apo-Hruska and Johnny Moen on winning a gold medal at the Special Olympics World Games in Abu Dhabi.
2. That a copy of this resolution be sent to Brent Apo-Hruska.

Laid over.

**LEGISLATIVE RESOLUTION 74.** Introduced by Slama, 1.

WHEREAS, the Johnson-Brock High School boys' basketball team won the 2019 Class D-2 Boys State Basketball Championship; and

WHEREAS, the Johnson-Brock Eagles were seeded fifth going into the tournament; and

WHEREAS, the Johnson-Brock Eagles defeated Humphrey Saint Francis in the first round of the state tournament with a score of 67-57, defeated Falls City Sacred Heart in the second game by a score of 48-45, and defeated Osmond in the State Championship game with a score of 67-54; and

WHEREAS, the Johnson-Brock High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Johnson-Brock High School boys' basketball team and its coaches on winning the 2019 Class D-2 Boys State Basketball Championship.
2. That a copy of this resolution be sent to the Johnson-Brock High School boys' basketball team and Coach Lucas Dalinghaus.

Laid over.

**LEGISLATIVE RESOLUTION 75.** Introduced by Slama, 1.

WHEREAS, the Auburn High School boys' basketball team won the 2019 Class C-1 Boys State Basketball Championship; and

WHEREAS, the Auburn Bulldogs defeated Grand Island Central Catholic in the first round of the state tournament with a score of 44-42, defeated number two seeded Wahoo in the second game by a score of 59-46, and

defeated North Bend in the State Championship game with a score of 30-29; and

WHEREAS, the Auburn High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Auburn High School boys' basketball team and its coaches on winning the 2019 Class C-1 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Auburn High School boys' basketball team and Coach Jim Weeks.

Laid over.

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

Senator Stinner filed the following amendment to LB481:  
AM1125

1 1. Strike the original section and insert the following new section:  
2 Section 1. For appropriations made for FY2019-20 and FY2020-21 to  
3 Agency No. 25 — Department of Health and Human Services, Program 514,  
4 pursuant to the requirement of 42 U.S.C. 300a-6, as it existed on January  
5 1, 2018, that no funds disbursed under the Federal Title X Program are to  
6 be used in programs where abortion is a method of family planning, none  
7 of the funds disbursed under such program shall be paid or granted to an  
8 organization that performs, assists with the performance of, provides  
9 directive counseling in favor of, or refers for abortion. Referral for an  
10 abortion is limited to the act of recommending a pregnant woman to  
11 doctors, clinics, or other persons or entities for the purpose of  
12 obtaining an abortion. Neutral, factual, nondirective information about  
13 prenatal care and delivery, infant care, foster care, adoption, and  
14 pregnancy termination or referral for an emergency situation in  
15 accordance with subdivision (4) of section 28-326 shall not constitute a  
16 referral for abortion. An otherwise qualified organization shall not be  
17 disqualified from receipt of such funds because of its affiliation with  
18 an organization that performs, assists with the performance of, provides  
19 directive counseling in favor of, or refers for abortion, if the  
20 affiliated organization is objectively independent of the qualified  
21 organization. Objective independence includes, but is not limited to,  
22 legal, physical, and financial separation between the affiliated  
23 organization and the qualified organization.

Senator DeBoer filed the following amendment to LB130:  
AM1107

1 1. Insert the following new section:

- 2 Sec. 10. On or before January 1, 2020, and on or before January 1  
 3 of each year thereafter, the department shall compile the results of the  
 4 radon measurements performed in the past five years that were reported to  
 5 the department pursuant to the rules and regulations adopted and  
 6 promulgated by the department regarding the control of radiation and  
 7 report such compilation electronically to the Clerk of the Legislature.  
 8 Such report shall determine the average radon concentration in Nebraska  
 9 by county and identify each county in which such average concentration  
 10 exceeds two and seven-tenths picocuries per liter of air.  
 11 2. On page 5, line 11, strike "section 9" and insert "sections 9 and  
 12 10".  
 13 3. On page 6, line 23, before the stricken "(4)" insert "(3)" and  
 14 reinstate the stricken matter beginning with the first "Department"  
 15 through the semicolon; in line 24 strike "(3)" and insert "(4)"; and in  
 16 line 30 strike "(4)" and insert "(5)".  
 17 4. On page 7, line 4, strike "(5)" and insert "(6)"; and in line 7  
 18 strike "(6)" and insert "(7)".  
 19 5. On page 10, line 22, strike "or (2)" and insert ", (2) the  
 20 construction project is located in a county in which the average radon  
 21 concentration is less than two and seven-tenths picocuries per liter of  
 22 air as determined by the department pursuant to section 10 of this act,  
 23 or (3)".  
 24 6. On page 11, line 3, strike "Department of Health and Human  
 25 Services" and insert "department".  
 26 7. Renumber the remaining section accordingly.

### COMMITTEE REPORT(S)

Health and Human Services

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

Dannette R. Smith - Chief Executive Officer, Department of Health and Human Services

Aye: 7 Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

### VISITOR(S)

Visitors to the Chamber were students from St. Michael's Elementary School, Hastings; students and teachers from Bancroft Elementary School, Omaha; students from Wilber-Clatonia High School; and students from Lincoln Christian School.

**RECESS**

At 11:50 a.m., on a motion by Senator Friesen, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bolz, DeBoer, Friesen, Howard, Lathrop, Linehan, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

**MOTION(S) - Confirmation Report(s)**

Senator Groene renewed his motion, found in this day's Journal, to adopt the divided Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
Robert Engles

Voting in the affirmative, 28:

Albrecht	DeBoer	Hansen, B.	McCollister	Slama
Arch	Dorn	Hilkemann	McDonnell	Walz
Brandt	Erdman	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lowe	Scheer	

Voting in the negative, 3:

Chambers	Hansen, M.	Hunt
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Present and not voting, 13:

Blood	Cavanaugh	Halloran	Lindstrom	Wayne
Bolz	Crawford	Howard	Stinner	
Bostelman	Geist	Kolowski	Vargas	

Excused and not voting, 5:

Hilgers	Lathrop	Linehan	Morfeld	Pansing Brooks
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The appointment was confirmed with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Educational Lands and Funds  
Dwayne B. Probyn

Voting in the affirmative, 39:

Albrecht	Chambers	Groene	Hunt	Quick
Arch	Clements	Halloran	Kolowski	Scheer
Blood	Crawford	Hansen, B.	Kolterman	Slama
Bostelman	DeBoer	Hansen, M.	La Grone	Stinner
Brandt	Erdman	Hilgers	Lowe	Vargas
Brewer	Friesen	Hilkemann	McCollister	Walz
Briese	Geist	Howard	Moser	Williams
Cavanaugh	Gragert	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Lindstrom	Pansing Brooks	Wishart
Dorn	McDonnell	Wayne	

Excused and not voting, 3:

Lathrop	Linehan	Morfeld
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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1014:

Boiler Safety Code Advisory Board  
Steven Bley  
Scott Hollman  
Thomas Phipps

Voting in the affirmative, 37:

Albrecht	Cavanaugh	Halloran	La Grone	Stinner
Arch	Chambers	Hansen, B.	Lowe	Vargas
Blood	Clements	Hansen, M.	McCollister	Walz
Bolz	Crawford	Hilkemann	Moser	Wayne
Bostelman	Dorn	Howard	Murman	Williams
Brandt	Geist	Hughes	Quick	
Brewer	Gragert	Hunt	Scheer	
Briese	Groene	Kolterman	Slama	

Voting in the negative, 0.

Present and not voting, 9:

DeBoer	Friesen	Kolowski	McDonnell	Wishart
Erdman	Hilgers	Lindstrom	Pansing Brooks	

Excused and not voting, 3:

Lathrop	Linehan	Morfeld
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 76.** Introduced by Williams, 36; Kolterman, 24; Stinner, 48.

WHEREAS, the Nebraska Enterprise Fund was founded in 1994 and certified by the United States Department of Treasury in 1998 as a Community Development Finance Institution; and

WHEREAS, the Nebraska Enterprise Fund envisions a vibrant Nebraska where micro and small businesses have opportunities to excel; and

WHEREAS, the Nebraska Enterprise Fund supports Nebraska's micro and small businesses by providing direct loans, training, programming, mentoring, consulting, and technical assistance; and

WHEREAS, the Nebraska Enterprise Fund seeks to provide services to over 158,000 micro and small businesses statewide; and

WHEREAS, over the past three years the Nebraska Enterprise Fund has provided \$10.24 million in lending to underserved entrepreneurs, disbursed 246 business loans with 68 percent going to minority communities, impacted 1,505 jobs, provided 3,415 coaching sessions, and served 2,288 participants in training programs.

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

1. That the Legislature congratulates the Nebraska Enterprise Fund on its 25th anniversary.
2. That the Legislature appreciates the work of the Nebraska Enterprise Fund to grow Nebraska.
3. That a copy of this resolution be sent to the Nebraska Enterprise Fund.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 619.** ER51, found on page 923, was adopted.

Senator Wayne withdrew his motion, MO43, found on page 1015, to bracket until June 1, 2019.

Senator Kolowski offered his amendment, AM957, found on page 997.

The Kolowski amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** ER54, found on page 956, was adopted.

Senator Kolterman offered his amendment, AM915, found on page 948.

The Kolterman amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 243.** ER57, found on page 956, was adopted.

Senator Hughes offered his amendment, AM937, found on page 957.

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

Senator Chambers offered the following amendment:

AM1142

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

2 insert the following new sections:

3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 68-1017.02 (1)(a) The Department of Health and Human Services shall

6 apply for and utilize to the maximum extent possible, within limits

7 established by the Legislature, any and all appropriate options available

8 to the state under the federal Supplemental Nutrition Assistance Program

9 and regulations adopted under such program to maximize the number of

10 Nebraska residents being served under such program within such limits.

11 The department shall seek to maximize federal funding for such program

12 and minimize the utilization of General Funds for such program and shall

13 employ the personnel necessary to determine the options available to the

14 state and issue the report to the Legislature required by subdivision (b)

15 of this subsection.

16 (b) The department shall submit electronically an annual report to

17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
27 program.

1 (c) The Health and Human Services Committee of the Legislature,  
2 after receipt and evaluation of the report required in subdivision (b) of  
3 this subsection, shall issue recommendations to the department on any  
4 further action necessary by the department to meet the requirements of  
5 this section.

6 (2)(a) The department shall develop a state outreach plan to promote  
7 access by eligible persons to benefits of the Supplemental Nutrition  
8 Assistance Program. The plan shall meet the criteria established by the  
9 Food and Nutrition Service of the United States Department of Agriculture  
10 for approval of state outreach plans. The Department of Health and Human  
11 Services may apply for and accept gifts, grants, and donations to develop  
12 and implement the state outreach plan.

13 (b) For purposes of developing and implementing the state outreach  
14 plan, the department shall partner with one or more counties or nonprofit  
15 organizations. If the department enters into a contract with a nonprofit  
16 organization relating to the state outreach plan, the contract may  
17 specify that the nonprofit organization is responsible for seeking  
18 sufficient gifts, grants, or donations necessary for the development and  
19 implementation of the state outreach plan and may additionally specify  
20 that any costs to the department associated with the award and management  
21 of the contract or the implementation or administration of the state  
22 outreach plan shall be paid out of private or federal funds received for  
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food  
25 and Nutrition Service of the United States Department of Agriculture for  
26 approval on or before August 1, 2011, and shall request any federal  
27 matching funds that may be available upon approval of the state outreach  
28 plan. It is the intent of the Legislature that the State of Nebraska and  
29 the Department of Health and Human Services use any additional public or  
30 private funds to offset costs associated with increased caseload  
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

8 (3)(a)(i) On or before October 1, 2011, the department shall create  
9 a TANF-funded program or policy that, in compliance with federal law,  
10 establishes categorical eligibility for federal food assistance benefits  
11 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
12 number of Nebraska residents being served under such program in a manner  
13 that does not increase the current gross income eligibility limit.  
14 (ii) Such TANF-funded program or policy shall eliminate all asset  
15 limits for eligibility for federal food assistance benefits, except that  
16 the total of liquid assets which includes cash on hand and funds in  
17 personal checking and savings accounts, money market accounts, and share  
18 accounts shall not exceed twenty-five thousand dollars pursuant to the  
19 Supplemental Nutrition Assistance Program, as allowed under federal law  
20 and under 7 C.F.R. 273.2(j)(2).  
21 (iii) This subsection becomes effective only if the department  
22 receives funds pursuant to federal participation that may be used to  
23 implement this subsection.  
24 (b) For purposes of this subsection:  
25 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
26 U.S.C. 2011 et seq., and regulations adopted under the act; and  
27 (ii) TANF means the federal Temporary Assistance for Needy Families  
28 program established in 42 U.S.C. 601 et seq.  
29 (4)(a) Within the limits specified in this subsection, the State of  
30 Nebraska opts out of the provision of the federal Personal Responsibility  
31 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
1 January 1, 2009, that eliminates eligibility for the Supplemental  
2 Nutrition Assistance Program for any person convicted of a felony  
3 involving the possession, use, or distribution of a controlled substance.  
4 (b) ~~A person shall be ineligible for Supplemental Nutrition~~  
5 ~~Assistance Program benefits under this subsection if he or she (i) has~~  
6 ~~had three or more felony convictions for the possession or use of a~~  
7 ~~controlled substance or (ii) has been convicted of a felony involving the~~  
8 ~~sale or distribution of a controlled substance or the intent to sell or~~  
9 ~~distribute a controlled substance.~~ A person with three or more ~~one or two~~  
10 felony convictions for the possession or use of a controlled substance  
11 shall only be eligible to receive Supplemental Nutrition Assistance  
12 Program benefits under this subsection if he or she is participating in  
13 or has completed a state-licensed or nationally accredited substance  
14 abuse treatment program since the date of conviction. The determination  
15 of such participation or completion shall be made by the treatment  
16 provider administering the program.  
17 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
18 Nebraska, is repealed.  
19 2. On page 1, strike beginning with "soil" in line 1 through line 2  
20 and all amendments thereto and insert "public assistance; to amend  
21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change  
22 provisions relating to eligibility for Supplemental Nutrition Assistance  
23 Program benefits as prescribed; and to repeal the original section."

**SENATOR WILLIAMS PRESIDING**

Senator Gragert requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 39:

Albrecht	DeBoer	Hansen, M.	Lindstrom	Slama
Arch	Dorn	Hilgers	Lowe	Stinner
Blood	Erdman	Hilkemann	McCollister	Vargas
Bostelman	Friesen	Howard	McDonnell	Walz
Brandt	Geist	Hughes	Moser	Wayne
Brewer	Gragert	Kolterman	Murman	Williams
Briese	Halloran	La Grone	Quick	Wishart
Clements	Hansen, B.	Lathrop	Scheer	

Present and not voting, 7:

Bolz	Chambers	Hunt	Pansing Brooks
Cavanaugh	Crawford	Kolowski	

Excused and not voting, 3:

Groene	Linehan	Morfeld
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The Chambers motion to overrule the Chair failed with 0 ayes, 39 nays, 7 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO44

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Cavanaugh	Halloran	La Grone	Scheer
Arch	Clements	Hansen, B.	Lathrop	Slama
Blood	DeBoer	Hansen, M.	Lindstrom	Stinner
Bolz	Dorn	Hilgers	Lowe	Vargas
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brandt	Friesen	Hughes	Moser	Wayne
Brewer	Geist	Hunt	Murman	Williams
Briese	Gragert	Kolterman	Quick	Wishart

Present and not voting, 3:

Chambers      Kolowski      Pansing Brooks

Excused and not voting, 6:

Crawford      Howard      McDonnell  
Groene      Linehan      Morfeld

The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

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

Senator M. Hansen filed the following amendment to LB217:  
AM1168

(Amendments to Standing Committee amendments, AM387)

- 1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9,
- 2 strike "(1)", show as stricken, and insert "(a)"; in line 11, strike
- 3 "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show
- 4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert
- 5 "(d)"; in lines 16 and 18 strike "compensation" and insert "wages,
- 6 benefits, or other compensation"; and after line 23 insert the following
- 7 new subsections:
- 8 "(2) Nothing in subdivision (1)(d) of this section shall:
- 9 (a) Create an obligation for any employer or employee to disclose
- 10 information regarding employee wages, benefits, or other compensation;
- 11 (b) Permit an employee, without the written consent of the employer,

12 to disclose proprietary information, which proprietary information does  
 13 not include information regarding employee wages, benefits, or other  
 14 compensation, trade secret information, or information that is otherwise  
 15 subject to a legal privilege or protected by law;  
 16 (c) Permit an employee to disclose information regarding wages,  
 17 benefits, or other compensation of other employees to a competitor of the  
 18 employer;  
 19 (d) Apply to employers which are exempt from the Nebraska Fair  
 20 Employment Practice Act under section 48-1102;  
 21 (e) Permit an employee to discuss information regarding employee  
 22 wages, benefits, or other compensation during working hours in violation  
 23 of existing workplace policies or specific contractual obligations; or  
 24 (f) Permit an employee to disseminate information regarding employee  
 25 wages, benefits, or other compensation to the general public in violation  
 26 of existing workplace policies or specific contractual obligations.  
 1 (3) The changes made to this section by this legislative bill shall  
 2 not be construed so as to impair or affect the obligation of any lawful  
 3 contract in existence prior to the effective date of this act."

Senator Chambers filed the following amendment to LB590:  
 AM1146

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 68-1017.02 (1)(a) The Department of Health and Human Services shall  
 6 apply for and utilize to the maximum extent possible, within limits  
 7 established by the Legislature, any and all appropriate options available  
 8 to the state under the federal Supplemental Nutrition Assistance Program  
 9 and regulations adopted under such program to maximize the number of  
 10 Nebraska residents being served under such program within such limits.  
 11 The department shall seek to maximize federal funding for such program  
 12 and minimize the utilization of General Funds for such program and shall  
 13 employ the personnel necessary to determine the options available to the  
 14 state and issue the report to the Legislature required by subdivision (b)  
 15 of this subsection.  
 16 (b) The department shall submit electronically an annual report to  
 17 the Health and Human Services Committee of the Legislature by December 1  
 18 on efforts by the department to carry out the provisions of this  
 19 subsection. Such report shall provide the committee with all necessary  
 20 and appropriate information to enable the committee to conduct a  
 21 meaningful evaluation of such efforts. Such information shall include,  
 22 but not be limited to, a clear description of various options available  
 23 to the state under the federal Supplemental Nutrition Assistance Program,  
 24 the department's evaluation of and any action taken by the department  
 25 with respect to such options, the number of persons being served under  
 26 such program, and any and all costs and expenditures associated with such  
 27 program.  
 1 (c) The Health and Human Services Committee of the Legislature,

2 after receipt and evaluation of the report required in subdivision (b) of  
3 this subsection, shall issue recommendations to the department on any  
4 further action necessary by the department to meet the requirements of  
5 this section.

6 (2)(a) The department shall develop a state outreach plan to promote  
7 access by eligible persons to benefits of the Supplemental Nutrition  
8 Assistance Program. The plan shall meet the criteria established by the  
9 Food and Nutrition Service of the United States Department of Agriculture  
10 for approval of state outreach plans. The Department of Health and Human  
11 Services may apply for and accept gifts, grants, and donations to develop  
12 and implement the state outreach plan.

13 (b) For purposes of developing and implementing the state outreach  
14 plan, the department shall partner with one or more counties or nonprofit  
15 organizations. If the department enters into a contract with a nonprofit  
16 organization relating to the state outreach plan, the contract may  
17 specify that the nonprofit organization is responsible for seeking  
18 sufficient gifts, grants, or donations necessary for the development and  
19 implementation of the state outreach plan and may additionally specify  
20 that any costs to the department associated with the award and management  
21 of the contract or the implementation or administration of the state  
22 outreach plan shall be paid out of private or federal funds received for  
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food  
25 and Nutrition Service of the United States Department of Agriculture for  
26 approval on or before August 1, 2011, and shall request any federal  
27 matching funds that may be available upon approval of the state outreach  
28 plan. It is the intent of the Legislature that the State of Nebraska and  
29 the Department of Health and Human Services use any additional public or  
30 private funds to offset costs associated with increased caseload  
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

8 (3)(a)(i) On or before October 1, 2011, the department shall create  
9 a TANF-funded program or policy that, in compliance with federal law,  
10 establishes categorical eligibility for federal food assistance benefits  
11 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
12 number of Nebraska residents being served under such program in a manner  
13 that does not increase the current gross income eligibility limit.

14 (ii) Such TANF-funded program or policy shall eliminate all asset  
15 limits for eligibility for federal food assistance benefits, except that  
16 the total of liquid assets which includes cash on hand and funds in  
17 personal checking and savings accounts, money market accounts, and share  
18 accounts shall not exceed twenty-five thousand dollars pursuant to the  
19 Supplemental Nutrition Assistance Program, as allowed under federal law

20 and under 7 C.F.R. 273.2(j)(2).

21 (iii) This subsection becomes effective only if the department  
22 receives funds pursuant to federal participation that may be used to  
23 implement this subsection.

24 (b) For purposes of this subsection:

25 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
26 U.S.C. 2011 et seq., and regulations adopted under the act; and

27 (ii) TANF means the federal Temporary Assistance for Needy Families  
28 program established in 42 U.S.C. 601 et seq.

29 (4)(a) Within the limits specified in this subsection, the State of  
30 Nebraska opts out of the provision of the federal Personal Responsibility  
31 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
1 January 1, 2009, that eliminates eligibility for the Supplemental  
2 Nutrition Assistance Program for any person convicted of a felony  
3 involving the possession, use, or distribution of a controlled substance.

4 (b) ~~A person shall be ineligible for Supplemental Nutrition  
5 Assistance Program benefits under this subsection if he or she (i) has  
6 had three or more felony convictions for the possession or use of a  
7 controlled substance or (ii) has been convicted of a felony involving the  
8 sale or distribution of a controlled substance or the intent to sell or  
9 distribute a controlled substance.~~ A person with three or more ~~one or two~~  
10 felony convictions for the possession or use of a controlled substance  
11 shall only be eligible to receive Supplemental Nutrition Assistance  
12 Program benefits under this subsection if he or she is participating in  
13 or has completed a state-licensed or nationally accredited substance  
14 abuse treatment program since the date of conviction. The determination  
15 of such participation or completion shall be made by the treatment  
16 provider administering the program.

17 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
18 Nebraska, is repealed.

19 2. On page 1, strike beginning with "child" in line 1 through line 6  
20 and all amendments thereto and insert "public assistance; to amend  
21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change  
22 provisions relating to eligibility for Supplemental Nutrition Assistance  
23 Program benefits as prescribed; and to repeal the original section."

Senator Erdman filed the following amendment to LB512:  
AM1119 is available in the Bill Room.

#### SELECT FILE

**LEGISLATIVE BILL 243.** Senator Chambers offered the following  
motion:

MO46

Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with  
15 ayes, 9 nays, and 25 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	DeBoer	Hansen, M.	Lindstrom	Slama
Blood	Dorn	Hilgers	Lowe	Stinner
Bolz	Erdman	Hilkemann	McCollister	Vargas
Bostelman	Friesen	Hughes	Moser	Walz
Brewer	Geist	Hunt	Murman	Wayne
Briese	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Halloran	La Grone	Quick	Wishart

Present and not voting, 2:

Brandt            Kolowski

Excused and not voting, 6:

Crawford	Howard	McDonnell
Groene	Linehan	Morfeld

The Chambers motion to reconsider failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### **VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting from Pender.

### **ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SECOND DAY - APRIL 3, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 3, 2019

**PRAYER**

The prayer was offered by Reverend Rebecca Sheridan, Bethel Lutheran Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senator Hilgers who was excused; and Senators DeBoer, Groene, Morfeld, Scheer, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 243.** Considered.

Senator Chambers offered the following motion:  
MO47  
Recommit to the Agriculture Committee.

**PRESIDENT FOLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Erdman	Hughes	McDonnell	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Hilgers            Morfeld

The Chambers motion to recommit to committee failed with 0 ayes, 46 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO48

Reconsider the vote taken to recommit to committee.

Senator Gragert offered the following motion:

MO49

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Gragert moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

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

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Erdman	Hughes	McDonnell	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Hilgers            Morfeld

The Gragert motion to invoke cloture prevailed with 46 ayes, 1 nay, and 2 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Erdman	Hughes	McDonnell	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Excused and not voting, 2:

Hilgers            Morfeld

The Chambers motion to reconsider failed with 1 aye, 46 nays, and 2 excused and not voting.

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

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Erdman	Hughes	McDonnell	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	La Grone	Quick	
Cavanaugh	Halloran	Lathrop	Scheer	
Clements	Hansen, B.	Lindstrom	Slama	

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Hilgers            Morfeld

Advanced to Enrollment and Review for Engrossment with 46 ayes, 1 nay, and 2 excused and not voting.

The Chair declared the call raised.

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

Enrollment and Review

**LEGISLATIVE BILL 34.** Placed on Final Reading.

**LEGISLATIVE BILL 619.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Education

**LEGISLATIVE BILL 547.** Placed on General File with amendment. AM749 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

#### **SELECT FILE**

**LEGISLATIVE BILL 449.** ER47, found on page 788, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 590.** ER48, found on page 830, was adopted.

Senator Chambers offered his amendment, AM1146, found on page 1041.

Senator Briese requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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 overrule the Chair.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Albrecht	DeBoer	Hansen, B.	Lindstrom	Scheer
Arch	Dorn	Hansen, M.	Lowe	Slama
Blood	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Howard	McDonnell	Vargas
Brandt	Geist	Hughes	Moser	Walz
Brewer	Gragert	Kolterman	Murman	Wayne
Briese	Groene	La Grone	Pansing Brooks	Williams
Clements	Halloran	Lathrop	Quick	Wishart

Present and not voting, 5:

Bolz	Cavanaugh	Crawford	Hunt	Kolowski
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Excused and not voting, 3:

Hilgers	Linehan	Morfeld
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The Chambers motion to overrule the Chair failed with 1 aye, 40 nays, 5 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO50

Recommit to the Health and Human Services Committee.

**SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Stinner
Bostelman	Erdman	Hughes	McCollister	Vargas
Brandt	Friesen	Hunt	McDonnell	Walz
Brewer	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Excused and not voting, 4:

Groene Hilgers Morfeld Williams

The Chambers motion to recommit to committee failed with 1 aye, 44 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO51

Indefinitely postpone.

Pending.

**VISITOR(S)**

Visitors to the Chamber were Senator McCollister's son, Dan McCollister, from Los Angeles, CA; members from Adult Leadership Dawson County; students, teachers, and sponsors from Bel Air Elementary School, Norfolk; students from Fort Calhoun Community Schools; members from the Nebraska Federated Women's Clubs from across the state; students and teachers from St. Robert Bellarmine Catholic School, Omaha; and advocates for Planned Parenthood of the Heartland.

**RECESS**

At 11:54 a.m., on a motion by Senator Quick, 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 Senator Hilgers who was excused; and Senators Bolz, Cavanaugh, Dorn, Groene, Hunt, Morfeld, and Pansing Brooks who were excused until they arrive.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 31.** Placed on General File with amendment. AM1169 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 590.** Senator Chambers renewed his motion, MO51, found in this day's Journal, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 7 nays, and 31 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Cavanaugh	Halloran	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart

Present and not voting, 2:

Chambers      Kolowski

Excused and not voting, 7:

DeBoer	Hilgers	Morfeld	Stinner
Groene	Linehan	Scheer	

The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO52

Reconsider the vote taken to indefinitely postpone.

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, 1:

Chambers

Voting in the negative, 37:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilkemann	Linehan	Vargas
Bolz	Dorn	Hughes	Lowe	Wayne
Bostelman	Erdman	Hunt	McCollister	Williams
Brandt	Friesen	Kolowski	McDonnell	Wishart
Brewer	Geist	Kolterman	Moser	
Briese	Gragert	La Grone	Pansing Brooks	
Clements	Halloran	Lathrop	Quick	

Excused and not voting, 11:

Arch	Hansen, B.	Morfeld	Stinner
Cavanaugh	Hilgers	Murman	Walz
Groene	Howard	Scheer	

The Chambers motion to reconsider failed with 1 aye, 37 nays, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO53

Bracket until April 15, 2019.

### **SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 7 ayes, 4 nays, and 38 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 37:

Albrecht	Crawford	Halloran	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Linehan	Slama
Bolz	Dorn	Hughes	Lowe	Vargas
Bostelman	Erdman	Hunt	McCollister	Wayne
Brandt	Friesen	Kolowski	McDonnell	Wishart
Brewer	Geist	Kolterman	Moser	
Briese	Gragert	La Grone	Pansing Brooks	
Clements	Groene	Lathrop	Quick	

Present and not voting, 1:

Chambers

Excused and not voting, 11:

Arch	Hilgers	Morfeld	Walz
Cavanaugh	Hilkemann	Murman	Williams
Hansen, B.	Howard	Stinner	

The Chambers motion to bracket failed with 0 ayes, 37 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO55

Reconsider the vote taken to bracket.

Senator Briese offered the following motion:

MO54

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

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

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	

Voting in the negative, 1:

Chambers

Excused and not voting, 4:

Hilgers      Hilkemann      McCollister      Stinner

The Briese motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	

Excused and not voting, 4:

Hilgers          Hilkemann      McCollister      Stinner

The Chambers motion to reconsider failed with 1 aye, 44 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, B.	Lindstrom	Scheer
Blood	DeBoer	Hansen, M.	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	

Voting in the negative, 1:

Chambers

Excused and not voting, 4:

Hilgers          Hilkemann      McCollister      Stinner

Advanced to Enrollment and Review for Engrossment with 44 ayes, 1 nay, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 217.** ER49, found on page 918, was adopted.

Senator M. Hansen withdrew his amendments, AM946 and AM1168, found on pages 1016 and 1040.

Senator M. Hansen offered the following amendment:  
AM1184

(Amendments to Standing Committee amendments, AM387)

1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9,  
2 strike "(1)", show as stricken, and insert "(a)"; in line 11, strike  
3 "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show  
4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert  
5 "(d)"; in lines 16 and 18 strike "compensation" and insert "wages,  
6 benefits, or other compensation"; and after line 23 insert the following  
7 new subsections:  
8 "(2) Nothing in this subsection or subdivision (1)(d) of this  
9 section shall be contrary to applicable state or federal law or:  
10 (a) Create an obligation for any employer or employee to disclose  
11 information regarding employee wages, benefits, or other compensation;  
12 (b) Permit an employee, without the written consent of the employer,  
13 to disclose proprietary information, trade secret information, or  
14 information that is otherwise subject to a legal privilege or protected  
15 by law. For purposes of this subdivision, proprietary information does  
16 not include information regarding employee wages, benefits, or other  
17 compensation;  
18 (c) Permit an employee to disclose information regarding wages,  
19 benefits, or other compensation of other employees to a competitor of the  
20 employer;  
21 (d) Apply to employers which are exempt from the Nebraska Fair  
22 Employment Practice Act under section 48-1102;  
23 (e) Permit an employee to discuss information regarding employee  
24 wages, benefits, or other compensation during working hours, as defined  
25 in existing workplace policies, or in violation of specific contractual  
26 obligations; or  
1 (f) Permit an employee to disseminate information regarding employee  
2 wages, benefits, or other compensation to the general public. For  
3 purposes of this subdivision, general public does not include public  
4 officials, judicial officers, legislators, trade associations, or other  
5 reasonable third parties for the employee's mutual aid or protection.  
6 (3) The changes made to this section by this legislative bill shall  
7 not be construed so as to impair or affect the obligation of any lawful  
8 contract in existence prior to the effective date of this act."

The M. Hansen amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 269.** ER50, found on page 918, was adopted.

Senator Wayne withdrew his amendments, AM1100, AM1101, AM1102, AM1103, and AM1104, found on pages 1015 and 1016.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 270.** ER53, found on page 918, was adopted.

Senator Wayne offered his amendment, FA36, found on page 1015.

Senator Wayne withdrew his amendment.

Senator Wayne withdrew his amendments, FA37 and FA40, found on pages 1015 and 1016.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 348.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 409.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 243.** Placed on Final Reading.

**LEGISLATIVE BILL 449.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 98.** Placed on General File with amendment.  
AM1189

1 1. Insert the following new section:

2 Section 1. Section 18-2515, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 18-2515 (1) Each petition presented for signature must be identical  
5 to the petition authorized for circulation by the city clerk pursuant to  
6 section 18-2512.

7 (2) Every petition shall contain the name and place of residence of  
8 not more than three persons as chief petitioners or sponsors of the  
9 measure. ~~The chief petitioners or sponsors shall be qualified electors of~~  
10 ~~the municipal subdivision potentially affected by the initiative or~~  
11 ~~referendum proposal.~~

12 (3) Every petition shall contain the caption and the statement  
13 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.

14 (4) When a special election is being requested, such fact shall be  
15 stated on every petition.

16 2. Renumber the remaining sections and correct the repealer  
17 accordingly.

(Signed) Tom Brewer, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 77.** Introduced by Slama, 1.

WHEREAS, Sheriff Jim Gress, County Clerk Janene Bennett, Register of Deeds Janet Reed, and Judge John F. Steinheider recently retired from public service in Otoe County; and

WHEREAS, Otoe County Sheriff Jim Gress dedicated his life to keeping the residents of Otoe County safe and protected as the longest serving sheriff in Otoe County history; and

WHEREAS, Otoe County Clerk Janene Bennett served for numerous years to protect the integrity of elections; and

WHEREAS, Otoe County Register of Deeds Janet Reed was an exceptional public servant with nearly two decades of institutional knowledge; and

WHEREAS, Judge Steinheider served Nebraska courts for over 21 years, putting in countless hours of public service leading the Through the Eyes of the Child Initiative for the judicial district, facilitating cases, and training judges.

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

1. That the Legislature expresses its appreciation to Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider for their service and dedication to southeast Nebraska.

2. That the Legislature congratulates Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider on their retirement.

3. That a copy of this resolution be sent to Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 212.** Title read. Considered.

Committee AM380, found on page 578, was offered.

Senator Chambers offered the following amendment to the committee amendment:

AM1139

(Amendments to Standing Committee amendments, AM380)

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

2 insert the following new sections:

3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 68-1017.02 (1)(a) The Department of Health and Human Services shall  
6 apply for and utilize to the maximum extent possible, within limits  
7 established by the Legislature, any and all appropriate options available  
8 to the state under the federal Supplemental Nutrition Assistance Program  
9 and regulations adopted under such program to maximize the number of  
10 Nebraska residents being served under such program within such limits.  
11 The department shall seek to maximize federal funding for such program  
12 and minimize the utilization of General Funds for such program and shall  
13 employ the personnel necessary to determine the options available to the  
14 state and issue the report to the Legislature required by subdivision (b)  
15 of this subsection.

16 (b) The department shall submit electronically an annual report to  
17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
1 program.

2 (c) The Health and Human Services Committee of the Legislature,  
3 after receipt and evaluation of the report required in subdivision (b) of  
4 this subsection, shall issue recommendations to the department on any  
5 further action necessary by the department to meet the requirements of  
6 this section.

7 (2)(a) The department shall develop a state outreach plan to promote  
8 access by eligible persons to benefits of the Supplemental Nutrition  
9 Assistance Program. The plan shall meet the criteria established by the  
10 Food and Nutrition Service of the United States Department of Agriculture  
11 for approval of state outreach plans. The Department of Health and Human  
12 Services may apply for and accept gifts, grants, and donations to develop  
13 and implement the state outreach plan.

14 (b) For purposes of developing and implementing the state outreach  
15 plan, the department shall partner with one or more counties or nonprofit  
16 organizations. If the department enters into a contract with a nonprofit  
17 organization relating to the state outreach plan, the contract may  
18 specify that the nonprofit organization is responsible for seeking  
19 sufficient gifts, grants, or donations necessary for the development and  
20 implementation of the state outreach plan and may additionally specify  
21 that any costs to the department associated with the award and management  
22 of the contract or the implementation or administration of the state  
23 outreach plan shall be paid out of private or federal funds received for  
24 development and implementation of the state outreach plan.

25 (c) The department shall submit the state outreach plan to the Food

26 and Nutrition Service of the United States Department of Agriculture for  
27 approval on or before August 1, 2011, and shall request any federal  
28 matching funds that may be available upon approval of the state outreach  
29 plan. It is the intent of the Legislature that the State of Nebraska and  
30 the Department of Health and Human Services use any additional public or  
31 private funds to offset costs associated with increased caseload  
1 resulting from the implementation of the state outreach plan.

2 (d) The department shall be exempt from implementing or  
3 administering a state outreach plan under this subsection, but not from  
4 developing such a plan, if it does not receive private or federal funds  
5 sufficient to cover the department's costs associated with the  
6 implementation and administration of the plan, including any costs  
7 associated with increased caseload resulting from the implementation of  
8 the plan.

9 (3)(a)(i) On or before October 1, 2011, the department shall create  
10 a TANF-funded program or policy that, in compliance with federal law,  
11 establishes categorical eligibility for federal food assistance benefits  
12 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
13 number of Nebraska residents being served under such program in a manner  
14 that does not increase the current gross income eligibility limit.

15 (ii) Such TANF-funded program or policy shall eliminate all asset  
16 limits for eligibility for federal food assistance benefits, except that  
17 the total of liquid assets which includes cash on hand and funds in  
18 personal checking and savings accounts, money market accounts, and share  
19 accounts shall not exceed twenty-five thousand dollars pursuant to the  
20 Supplemental Nutrition Assistance Program, as allowed under federal law  
21 and under 7 C.F.R. 273.2(j)(2).

22 (iii) This subsection becomes effective only if the department  
23 receives funds pursuant to federal participation that may be used to  
24 implement this subsection.

25 (b) For purposes of this subsection:

26 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
27 U.S.C. 2011 et seq., and regulations adopted under the act; and

28 (ii) TANF means the federal Temporary Assistance for Needy Families  
29 program established in 42 U.S.C. 601 et seq.

30 (4)(a) Within the limits specified in this subsection, the State of  
31 Nebraska opts out of the provision of the federal Personal Responsibility  
1 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
2 January 1, 2009, that eliminates eligibility for the Supplemental  
3 Nutrition Assistance Program for any person convicted of a felony  
4 involving the possession, use, or distribution of a controlled substance.

5 (b) ~~A person shall be ineligible for Supplemental Nutrition~~  
6 ~~Assistance Program benefits under this subsection if he or she (i) has~~  
7 ~~had three or more felony convictions for the possession or use of a~~  
8 ~~controlled substance or (ii) has been convicted of a felony involving the~~  
9 ~~sale or distribution of a controlled substance or the intent to sell or~~  
10 ~~distribute a controlled substance. A person with three or more ~~one or two~~~~  
11 ~~felony convictions for the possession or use of a controlled substance~~  
12 shall only be eligible to receive Supplemental Nutrition Assistance

13 Program benefits under this subsection if he or she is participating in  
 14 or has completed a state-licensed or nationally accredited substance  
 15 abuse treatment program since the date of conviction. The determination  
 16 of such participation or completion shall be made by the treatment  
 17 provider administering the program.

18 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
 19 Nebraska, is repealed.

20 2. Insert the following new amendment:

21 2. On page 1, strike beginning with "the" in line 1 through line 3  
 22 and insert "public assistance; to amend section 68-1017.02, Reissue  
 23 Revised Statutes of Nebraska; to change provisions relating to  
 24 eligibility for Supplemental Nutrition Assistance Program benefits as  
 25 prescribed;".

The Chambers amendment lost with 1 aye, 27 nays, 14 present and not voting, and 7 excused and not voting.

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

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

**LEGISLATIVE BILL 15.** Title read. Considered.

Committee AM410, found on page 808, was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

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

Senator Kolterman filed the following amendment to LB316:  
 AM1187

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

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

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

Senator Brewer name added to LB641.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Kip Anderson from Columbus.

**ADJOURNMENT**

At 4:43 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-THIRD DAY - APRIL 4, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 4, 2019

**PRAYER**

The prayer was offered by Pastor Johnny Walker, West First Chapel, McCook.

**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 Blood, Cavanaugh, DeBoer, B. Hansen, M. Hansen, Hunt, Lindstrom, McCollister, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

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

Senator Clements filed the following amendment to LB334:  
AM1185

(Amendments to Standing Committee amendments, AM801)

- 1 1. Insert the following new section:
- 2 Section 1. Section 13-1901, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 13-1901 (1) There are hereby created nine Nebraska planning and
- 5 development regions as follows:
- 6 (a) ~~(+)~~ Region 1 includes the counties of Sioux, Dawes, Sheridan,
- 7 Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and
- 8 Deuel;
- 9 (b) ~~(2)~~ Region 2 includes the counties of Cherry, Keya Paha, Boyd,
- 10 Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley,
- 11 Greeley, and Sherman;
- 12 (c) ~~(3)~~ Region 3 includes the counties of Grant, Hooker, Thomas,
- 13 Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes,
- 14 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas;

15 (d) ~~(4)~~ Region 4 includes the counties of Howard, Merrick, Buffalo,  
 16 Hall, Hamilton, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster,  
 17 and Nuckolls;

18 (e) ~~(5)~~ Region 5 includes the counties of Knox, Cedar, Dixon,  
 19 Antelope, Pierce, Wayne, Thurston, Boone, Madison, Stanton, Cuming, Burt,  
 20 Platte, Colfax, Dodge, and Nance;

21 (f) ~~(6)~~ Region 6 includes the counties of Polk, Butler, Saunders,  
 22 York, Seward, ~~Cass~~, Fillmore, Saline, Otoe, Thayer, Jefferson, Gage,  
 23 Johnson, Nemaha, Pawnee, and Richardson;

24 (g) ~~(7)~~ Region 7 includes the county of Lancaster;

25 (h) ~~(8)~~ Region 8 includes the counties of Washington, Douglas, ~~and~~  
 26 Sarpy, ~~and Cass~~; and

1 (i) ~~(9)~~ Region 9 includes the county of Dakota.

2 (2) In order to facilitate development of a process which will allow  
 3 for future changes to the boundaries of the Nebraska planning and  
 4 development regions, until July 1, 2020, a county, city, village, or  
 5 development district shall not engage in negotiations to change the  
 6 boundaries of the planning and development regions. This subsection does  
 7 not prohibit negotiations relating to implementation of the changes to  
 8 the boundaries made by this legislative bill.

9 2. Renumber the remaining sections and correct the repealer  
 10 accordingly.

### GENERAL FILE

**LEGISLATIVE RESOLUTION 14CA.** Senator Groene renewed his amendment, FA26, found on page 958 and considered on pages 982 and 983.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### NOTICE OF COMMITTEE HEARING(S) Health and Human Services/Appropriations

Room 1510

Thursday, April 11, 2019 1:30 p.m.

Briefing of the Health and Human Services Committee and the Appropriations Committee on the plan for Medicaid Expansion  
 Note: Invited testimony only

(Signed) Sara Howard, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 78.** Introduced by Briese, 41.

WHEREAS, Roger Goldfish recently retired from a career in public service that spanned forty years; and

WHEREAS, Roger began his first term on the Ord City Council in 1979 and ultimately served the city in that capacity for twelve years (1979-1982, 1987-1990, and 2007-2010); and

WHEREAS, Roger was then chosen to lead the City of Ord as its mayor beginning in 1991 through 2002 and then again from 2011 through 2018; and

WHEREAS, Roger also served on the board of adjustment, the Central Nebraska Community Services board of directors, and the Central Nebraska Community Action Partnership board of directors.

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

1. That the Legislature congratulates Roger Goldfish on his retirement after 34 years of service to his community.
2. That a copy of this resolution be sent to Roger Goldfish.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 637.** Title read. Considered.

Committee AM238, found on page 914, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 472.** Title read. Considered.

Senator Dorn offered his amendment, AM959, found on page 1005.

Senator Chambers offered the following amendment to the Dorn amendment:

AM1143

(Amendments to the Dorn amendments, AM959)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 68-1017.02 (1)(a) The Department of Health and Human Services shall

6 apply for and utilize to the maximum extent possible, within limits  
7 established by the Legislature, any and all appropriate options available  
8 to the state under the federal Supplemental Nutrition Assistance Program  
9 and regulations adopted under such program to maximize the number of  
10 Nebraska residents being served under such program within such limits.  
11 The department shall seek to maximize federal funding for such program  
12 and minimize the utilization of General Funds for such program and shall  
13 employ the personnel necessary to determine the options available to the  
14 state and issue the report to the Legislature required by subdivision (b)  
15 of this subsection.

16 (b) The department shall submit electronically an annual report to  
17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
1 program.

2 (c) The Health and Human Services Committee of the Legislature,  
3 after receipt and evaluation of the report required in subdivision (b) of  
4 this subsection, shall issue recommendations to the department on any  
5 further action necessary by the department to meet the requirements of  
6 this section.

7 (2)(a) The department shall develop a state outreach plan to promote  
8 access by eligible persons to benefits of the Supplemental Nutrition  
9 Assistance Program. The plan shall meet the criteria established by the  
10 Food and Nutrition Service of the United States Department of Agriculture  
11 for approval of state outreach plans. The Department of Health and Human  
12 Services may apply for and accept gifts, grants, and donations to develop  
13 and implement the state outreach plan.

14 (b) For purposes of developing and implementing the state outreach  
15 plan, the department shall partner with one or more counties or nonprofit  
16 organizations. If the department enters into a contract with a nonprofit  
17 organization relating to the state outreach plan, the contract may  
18 specify that the nonprofit organization is responsible for seeking  
19 sufficient gifts, grants, or donations necessary for the development and  
20 implementation of the state outreach plan and may additionally specify  
21 that any costs to the department associated with the award and management  
22 of the contract or the implementation or administration of the state  
23 outreach plan shall be paid out of private or federal funds received for  
24 development and implementation of the state outreach plan.

25 (c) The department shall submit the state outreach plan to the Food  
26 and Nutrition Service of the United States Department of Agriculture for  
27 approval on or before August 1, 2011, and shall request any federal  
28 matching funds that may be available upon approval of the state outreach

29 plan. It is the intent of the Legislature that the State of Nebraska and  
30 the Department of Health and Human Services use any additional public or  
31 private funds to offset costs associated with increased caseload  
1 resulting from the implementation of the state outreach plan.

2 (d) The department shall be exempt from implementing or  
3 administering a state outreach plan under this subsection, but not from  
4 developing such a plan, if it does not receive private or federal funds  
5 sufficient to cover the department's costs associated with the  
6 implementation and administration of the plan, including any costs  
7 associated with increased caseload resulting from the implementation of  
8 the plan.

9 (3)(a)(i) On or before October 1, 2011, the department shall create  
10 a TANF-funded program or policy that, in compliance with federal law,  
11 establishes categorical eligibility for federal food assistance benefits  
12 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
13 number of Nebraska residents being served under such program in a manner  
14 that does not increase the current gross income eligibility limit.

15 (ii) Such TANF-funded program or policy shall eliminate all asset  
16 limits for eligibility for federal food assistance benefits, except that  
17 the total of liquid assets which includes cash on hand and funds in  
18 personal checking and savings accounts, money market accounts, and share  
19 accounts shall not exceed twenty-five thousand dollars pursuant to the  
20 Supplemental Nutrition Assistance Program, as allowed under federal law  
21 and under 7 C.F.R. 273.2(j)(2).

22 (iii) This subsection becomes effective only if the department  
23 receives funds pursuant to federal participation that may be used to  
24 implement this subsection.

25 (b) For purposes of this subsection:

26 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
27 U.S.C. 2011 et seq., and regulations adopted under the act; and

28 (ii) TANF means the federal Temporary Assistance for Needy Families  
29 program established in 42 U.S.C. 601 et seq.

30 (4)(a) Within the limits specified in this subsection, the State of  
31 Nebraska opts out of the provision of the federal Personal Responsibility  
1 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
2 January 1, 2009, that eliminates eligibility for the Supplemental  
3 Nutrition Assistance Program for any person convicted of a felony  
4 involving the possession, use, or distribution of a controlled substance.

5 (b) ~~A person shall be ineligible for Supplemental Nutrition  
6 Assistance Program benefits under this subsection if he or she (i) has  
7 had three or more felony convictions for the possession or use of a  
8 controlled substance or (ii) has been convicted of a felony involving the  
9 sale or distribution of a controlled substance or the intent to sell or  
10 distribute a controlled substance. A person with three or more ~~one or two~~  
11 felony convictions for the possession or use of a controlled substance  
12 shall only be eligible to receive Supplemental Nutrition Assistance  
13 Program benefits under this subsection if he or she is participating in  
14 or has completed a state-licensed or nationally accredited substance  
15 abuse treatment program since the date of conviction. The determination~~

16 of such participation or completion shall be made by the treatment  
17 provider administering the program.

18 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
19 Nebraska, is repealed.

20 2. Insert the following new amendment:

21 2. On page 1, strike beginning with "revenue" in line 1 through line  
22 5 and insert "public assistance; to amend section 68-1017.02, Reissue  
23 Revised Statutes of Nebraska; to change provisions relating to  
24 eligibility for Supplemental Nutrition Assistance Program benefits as  
25 prescribed; and to repeal the original section."

Senator Chambers withdrew his amendment.

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

The Dorn amendment was adopted with 47 ayes, 0 nays, and 2 present and  
not voting.

The Chair declared the call raised.

Senator Dorn offered the following amendment:

AM1193

1 1. On page 2, strike beginning with "at" in line 7 through "vote" in  
2 line 8 and insert "the affirmative vote of at least a two-thirds majority  
3 of all elected members".

The Dorn amendment was adopted with 45 ayes, 0 nays, and 4 present and  
not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8  
present and not voting.

**LEGISLATIVE BILL 268.** Title read. Considered.

Pending.

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

Senator Lindstrom filed the following amendment to LB218:

AM1137

(Amendments to Standing Committee amendments, AM536)

1 1. On page 1, line 11; and page 3, lines 19 and 20, strike "or the  
2 public power industry as defined in section 70-601".

3 2. On page 3, lines 22 and 23, strike "or the public power  
4 industry".

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

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

Senator Pansing Brooks name added to LB62.

**VISITOR(S)**

Visitors to the Chamber were students from Immanuel Lutheran School, Columbus; Miles Poppleton and Jayger Haag from Plattsmouth; students from St. Gerald Catholic School, Ralston; students from Tekamah-Herman Schools; delegates from One World Leadership Center and their interpreter from the Ukraine; and FFA students and sponsors from Morrill and Mitchell.

**RECESS**

At 11:46 a.m., on a motion by Senator Slama, 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 B. Hansen, La Grone, and Lowe who were excused; and Senators Bolz, Chambers, Groene, and Wayne who were excused until they arrive.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, 61, and 62 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 59, 60, 61, and 62.

**GENERAL FILE**

**LEGISLATIVE BILL 268.** Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 352.** Title read. Considered.

Committee AM761, found on page 887, was offered.

Senator Morfeld offered his amendment, AM955, found on page 991, to the committee amendment.

The Morfeld amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 483.** Title read. Considered.

Senator Erdman offered his amendment, AM973, found on page 1004.

**SPEAKER SCHEER PRESIDING**

**SENATOR HILGERS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 217.** Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER49, on page 1, line 4, "compensation" has been struck and "wages, benefits, or other compensation" inserted.

**LEGISLATIVE BILL 269.** Placed on Final Reading.

**LEGISLATIVE BILL 590.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Senator Howard filed the following amendment to LB570:  
AM1205

(Amendments to Standing Committee amendments, AM470)

1 1. Insert the following new section:

2 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
6 on or before July 15, 2014, (b) sixty million three hundred fifty  
7 thousand dollars on or before July 15, 2015, (c) sixty million three  
8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
9 million seven hundred thousand dollars on or before July 15, 2017, (e)  
10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
11 million six hundred thousand dollars on or before July 15, 2018, (g)  
12 sixty-one million ~~four~~ ~~three~~ hundred fifty thousand dollars on or before  
13 July 15, 2019, and (h) sixty million four hundred fifty thousand dollars  
14 on or before every July 15 thereafter from the Nebraska Medicaid  
15 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
16 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
17 be reduced by the amount of the unobligated balance in the Nebraska  
18 Health Care Cash Fund at the time the transfer is made. The state  
19 investment officer shall advise the State Treasurer on the amounts to be  
20 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
21 until the fund balance is depleted and from the Nebraska Tobacco  
22 Settlement Trust Fund thereafter in order to sustain such transfers in  
23 perpetuity. The state investment officer shall report electronically to  
24 the Legislature on or before October 1 of every even-numbered year on the  
25 sustainability of such transfers. The Nebraska Health Care Cash Fund  
26 shall also include money received pursuant to section 77-2602. Except as  
1 otherwise provided by law, no more than the amounts specified in this  
2 subsection may be appropriated or transferred from the Nebraska Health  
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the  
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are  
8 funded through the Nebraska Health Care Cash Fund until funding for all  
9 programs with an appropriation from the fund during FY2012-13 are  
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for  
12 investment shall be invested by the state investment officer pursuant to  
13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational  
16 institutions having colleges of medicine in Nebraska and their affiliated  
17 research hospitals in Nebraska, as a condition of receiving any funds  
18 appropriated or transferred from the Nebraska Health Care Cash Fund,  
19 shall not discriminate against any person on the basis of sexual  
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or  
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
23 Board of Regents of the University of Nebraska for the University of  
24 Nebraska Medical Center. It is the intent of the Legislature that these  
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff  
 27 and operating costs necessary to carry out the changes made by Laws 2018,  
 28 LB439, and not covered by fees or federal funds shall be funded from the  
 29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.  
 30 2. Renumber the remaining sections and correct the repealer  
 31 accordingly.

Senator Howard filed the following amendment to LB570A:  
 AM1206

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

3 Section 1. Laws 2018, LB944, section 15, is amended to read:

4 Sec. 15. AGENCY NO. 3 — LEGISLATIVE COUNCIL

5 Program No. 122 - Legislative Services

6	FY2017-18	FY2018-19
7 GENERAL FUND	9,510,388	9,645,982
8 CASH FUND	75,000	75,000
9 FEDERAL FUND est.	39,270	39,270
10 PROGRAM TOTAL	9,624,658	9,760,252
11 SALARY LIMIT	7,116,064	7,168,457

12 There is included in the appropriation to this program for FY2017-18  
 13 \$75,000 Cash Funds and for FY2018-19 \$75,000 Cash Funds from the Nebraska  
 14 Health Care Cash Fund for the purpose of ongoing health-related research  
 15 and public policy development by the Health and Human Services Committee  
 16 of the Legislature. Such funds may be used for, but shall not be limited  
 17 to, hiring temporary legal research assistance, consulting and research  
 18 contracts, reimbursement for necessary and appropriate expenses incurred  
 19 in connection with such research and policy development, and actual and  
 20 necessary travel reimbursement for task forces and committees established  
 21 to conduct health policy work.

22 The unexpended General Fund appropriation balance existing on June  
 23 30, 2017, is hereby reappropriated.

24 The unexpended and unobligated balance in the Nebraska Health Care  
 25 Cash Fund appropriation shall be reduced by \$142,199 on or before June  
 26 15, 2019.

27 Sec. 2. There is hereby appropriated (1) \$18,600 from the Nebraska  
 1 Health Care Cash Fund for FY2018-19, (2) \$43,570 from the Nebraska Health  
 2 Care Cash Fund for FY2019-20, and (3) \$43,570 from the Nebraska Health  
 3 Care Cash Fund for FY2020-21 to the Department of Health and Human  
 4 Services, for Program 33, to aid in carrying out the provisions of  
 5 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.  
 6 No expenditures for permanent and temporary salaries and per diems  
 7 for state employees shall be made from funds appropriated in this  
 8 section.

9 Sec. 3. There is hereby appropriated (1) \$18,600 from federal funds  
 10 for FY2018-19, (2) \$43,570 from federal funds for FY2019-20, and (3)  
 11 \$43,570 from federal funds for FY2020-21 to the Department of Health and  
 12 Human Services, for Program 33, to aid in carrying out the provisions of  
 13 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.

14 No expenditures for permanent and temporary salaries and per diems  
 15 for state employees shall be made from funds appropriated in this  
 16 section.  
 17 Sec. 4. It is the intent of the Legislature to appropriate \$36,459  
 18 from the Nebraska Health Care Cash Fund for FY2021-22 to the Department  
 19 of Health and Human Services, for Program 33.  
 20 Sec. 5. Original Laws 2018, LB944, section 15, is repealed.  
 21 Sec. 6. Since an emergency exists, this act takes effect when  
 22 passed and approved according to law.

Senator Walz filed the following amendment to LB570:  
 AM970

(Amendments to Standing Committee amendments, AM470)

1 1. On page 3, line 6, strike "June 30" and insert "November 1".

Senator Bostelman filed the following amendment to LB698:  
 AM911

(Amendments to Standing Committee amendments, AM554)

1 1. Strike amendment 1 and insert the following new amendment:  
 2 1. Strike the original sections and insert the following new  
 3 sections:  
 4 Section 1. Section 60-6,304, Revised Statutes Cumulative Supplement,  
 5 2018, is amended to read:  
 6 60-6,304 (1)(a) Except as provided in subsection (2) of this section  
 7 for a vehicle that contained livestock, but still contains the manure or  
 8 urine of such livestock, no vehicle shall be driven or moved on any  
 9 highway unless the vehicle is so constructed or loaded as to prevent its  
 10 contents from dropping, sifting, leaking, or otherwise escaping from the  
 11 vehicle.  
 12 (b) Except as provided in subsection (2) of this section for a  
 13 vehicle that contained livestock, but still contains the manure or urine  
 14 of such livestock, no person shall transport any sand, gravel, rock less  
 15 than two inches in diameter, or refuse in any vehicle on any hard-  
 16 surfaced state highway if such material protrudes above the sides of that  
 17 part of the vehicle in which it is being transported unless such material  
 18 is enclosed or completely covered with canvas or similar covering.  
 19 (c) Except as provided in subsection (3) of this section for  
 20 commercial motor vehicles and commercial trailers, no ~~No~~ person shall  
 21 drive or move a motor vehicle, trailer, or semitrailer upon any highway  
 22 unless the cargo or contents carried by the motor vehicle, trailer, or  
 23 semitrailer are properly distributed and adequately secured to prevent  
 24 the falling of cargo or contents from the vehicle. The tailgate, doors,  
 25 tarpaulins, and any other equipment used in the operation of the motor  
 26 vehicle, trailer, or semitrailer or in the distributing or securing of  
 1 the cargo or contents carried by the motor vehicle, trailer, or  
 2 semitrailer shall be secured to prevent cargo or contents falling from  
 3 the vehicle. The means of securement to the motor vehicle, trailer, or  
 4 semitrailer must be either tiedowns and tiedown assemblies of adequate  
 5 strength or sides, sideboards, or stakes and a rear endgate, endboard, or

6 stakes strong enough and high enough to assure that cargo or contents  
7 will not fall from the vehicle.

8 (d) Any person who violates any provision of this subsection is  
9 guilty of a Class IV misdemeanor.

10 (2)(a) No person operating any vehicle that contained livestock, but  
11 still contains the manure or urine of livestock, on any highway located  
12 within the corporate limits of a city of the metropolitan class, shall  
13 spill manure or urine from the vehicle.

14 (b) Any person who violates this subsection is guilty of a Class IV  
15 misdemeanor and shall be assessed a minimum fine of at least two hundred  
16 fifty dollars.

17 (3)(a) No person shall drive or move a commercial motor vehicle or  
18 commercial trailer upon any highway unless the cargo or contents carried  
19 by the commercial motor vehicle or commercial trailer are properly  
20 distributed and adequately secured to prevent the falling of cargo or  
21 contents from the vehicle. The tailgate, doors, tarpaulins, and any other  
22 equipment used in the operation of the commercial motor vehicle or  
23 commercial trailer or in the distributing or securing of the cargo or  
24 contents carried by the commercial motor vehicle or commercial trailer  
25 shall be secured to prevent cargo or contents falling from the vehicle.  
26 The structures, systems, parts, and components used to secure the cargo  
27 or contents shall be in proper working order with no damaged or weakened  
28 components that affect performance so as to cause the cargo or contents  
29 to fall from the commercial motor vehicle or commercial trailer. The  
30 means of securement to the commercial motor vehicle or commercial trailer  
31 shall be either tiedowns and tiedown assemblies of adequate strength or  
1 sides, sideboards, or stakes and a rear endgate, endboard, or stakes  
2 strong enough and high enough to ensure that cargo or contents will not  
3 fall from the commercial motor vehicle or commercial trailer.

4 (b)(i) Violation of this subsection is an infraction, and the person  
5 driving or moving a commercial motor vehicle or commercial trailer in  
6 violation of this subsection shall be fined two hundred dollars for the  
7 first offense and five hundred dollars for a second or subsequent  
8 offense.

9 (ii) In addition to the issuance of a citation to an operator under  
10 subdivision (b)(i) of this subsection, the Superintendent of Law  
11 Enforcement and Public Safety may assess the owner of the vehicle a civil  
12 penalty for each violation of this subsection of one thousand dollars.  
13 The superintendent shall issue an order imposing a penalty under this  
14 subdivision in the same manner as an order issued under section 75-369.04  
15 and any rules and regulations adopted and promulgated under section  
16 75-368 and any applicable federal rules and regulations.

17 (c) For purposes of this subsection:

18 (i) Commercial motor vehicle has the same meaning as in section  
19 60-316; and

20 (ii) Commercial trailer has the same meaning as in section 60-317.

21 Sec. 2. Original section 60-6,304, Revised Statutes Cumulative  
22 Supplement, 2018, is repealed.

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

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

Senator M. Hansen name added to LB418.  
Senator DeBoer name added to LB424.  
Senator Morfeld name added to LB709.  
Senator M. Hansen name added to LB709.  
Senator Vargas name added to LB709.

**VISITOR(S)**

Visitors to the Chamber were students and teacher from Sutton Christian School; students from St. Joseph Catholic School, York; and FFA students, teacher, and sponsor from Banner County High School.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

**ADJOURNMENT**

At 5:05 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Friday, April 5, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FOURTH DAY - APRIL 5, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 5, 2019

**PRAYER**

The prayer was offered by Pastor Melody Newman, First United Methodist Church, Imperial.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Albrecht who was excused; and Senators Blood, Cavanaugh, Friesen, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**SPEAKER SCHEER PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 4, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
American Heart Association  
Danielson, Jeff  
American Wind Energy Association  
Feichtinger, Erin  
Together Inc. of Metropolitan Omaha  
Meradith, Steve  
Windstream Communications (Withdrawn 04/04/2019)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 79.** Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School speech team won the 2019 Class C-2 State Speech Championship; and

WHEREAS, the Hartington-Newcastle Wildcats earned their first place finish with a score of 162 points over the Tri-County Trojans and the Crofton Warriors who tied for second place with 64 points apiece; and

WHEREAS, under the direction of head coach A.J. Johnson, Hartington-Newcastle has won six state speech championships, two since becoming Hartington-Newcastle and four as Hartington High School; and

WHEREAS, the Hartington-Newcastle speech team placed second in five categories and earned eight medals at the state speech championship; and

WHEREAS, Bennet Sievers, Teagan Scoggan, Reece Morten, Parker Hopping, and Isaac Bruning won the team event in Oral Interpretation of Drama; and

WHEREAS, this victory marks the ninth time that the Hartington-Newcastle speech team has won the Oral Interpretation of Drama category; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Hartington-Newcastle speech team on winning the 2019 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Hartington-Newcastle High School speech team and Coach A.J. Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 80.** Introduced by Gragert, 40.

WHEREAS, Justin Kinkaid of Laurel, a member of Troop 208, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, for Justin's community service project he planned, organized, and managed the disassembly of a wooden playground structure and assembly of a new playground structure in the Coleridge Tractor Park; and

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

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

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

Laid over.

**MOTION(S) - Confirmation Report(s)**

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1032:

Chief Executive Officer, Department of Health and Human Services  
Dannette R. Smith

Voting in the affirmative, 38:

Arch	Crawford	Hilgers	Lathrop	Quick
Bolz	DeBoer	Hilkemann	Lindstrom	Scheer
Bostelman	Dorn	Howard	Linehan	Slama
Brandt	Geist	Hughes	Lowe	Stinner
Brewer	Gragert	Hunt	McCollister	Walz
Briese	Groene	Kolowski	McDonnell	Williams
Chambers	Halloran	Kolterman	Moser	
Clements	Hansen, B.	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Hansen, M.	Vargas
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Excused and not voting, 8:

Albrecht	Cavanaugh	Morfeld	Wayne
Blood	Friesen	Pansing Brooks	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not

voting, and 8 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 270.** Placed on Final Reading.

**LEGISLATIVE BILL 348.** Placed on Final Reading.

**LEGISLATIVE BILL 409.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 81.** Introduced by La Grone, 49.

WHEREAS, the Delta Tau Delta Fraternity is celebrating the 125th anniversary of its Beta Tau Chapter at the University of Nebraska-Lincoln; and

WHEREAS, the Delta Tau Delta Fraternity has served the state of Nebraska and its communities since 1894, with the Beta Tau Chapter considered the oldest chapter west of the Mississippi River; and

WHEREAS, the Delta Tau Delta Fraternity is a leader on the University of Nebraska-Lincoln campus, encouraging its members to live by the organization's values of truth, courage, faith, and power, and committing to living lives of excellence by serving their fellow man.

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

1. That the Legislature congratulates the Beta Tau Chapter of Delta Tau Delta for being a valuable part of the University of Nebraska-Lincoln's campus community for 125 years.

2. That a copy of this resolution be sent to the Beta Tau Chapter of Delta Tau Delta.

Laid over.

**LEGISLATIVE RESOLUTION 82.** Introduced by Hughes, 44.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature recognizes April 8, 2019, as Lineworker Appreciation Day in Nebraska.

Laid over.

### **GENERAL FILE**

**LEGISLATIVE BILL 512.** Title read. Considered.

Committee AM423, found on page 607, was offered.

Senator Erdman withdrew his amendment, AM1119, found on page 1043.

Senator Erdman offered the following amendment to the committee amendment:

AM1217 is available in the Bill Room.

Senator Chambers offered the following motion:

MO56

Bracket until June 6, 2019.

**SENATOR HUGHES PRESIDING**

**SPEAKER SCHEER PRESIDING**

**SENATOR HILGERS PRESIDING**

Pending.

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

Health and Human Services

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

Alysson R. Muotri - Stem Cell Research Advisory Committee

Aye: 6 Arch, Cavanaugh, Howard, Murman, Walz, Williams. Nay: 0.  
Absent: 0. Present and not voting: 1 Hansen, B..

(Signed) Sara Howard, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 312.** Placed on General File with amendment.  
AM1134

- 1 1. On page 2, line 14, strike "The", show as stricken, and insert
- 2 "Except for periodontal scaling, root planing, and the administration of
- 3 local anesthesia and nitrous oxide, the"; strike beginning with the comma
- 4 in line 16 through the comma in line 17; in line 18 strike the comma and
- 5 reinstate "or"; and strike beginning with the comma in line 19 through
- 6 "services" in line 20.
- 7 2. On page 4, line 24, after the period insert "The department shall
- 8 annually evaluate the delivery of dental hygiene services in the state
- 9 and, on or before September 15 of each year beginning in 2020, provide a
- 10 report electronically to the Clerk of the Legislature regarding such
- 11 evaluation. The Health and Human Services Committee of the Legislature
- 12 shall hold a hearing at least once every three years to assess the
- 13 reports submitted pursuant to this subsection."; and in line 28 reinstate
- 14 the stricken matter.
- 15 3. On page 5, lines 1 through 4, strike the new matter and reinstate
- 16 the stricken matter.

**LEGISLATIVE BILL 468.** Placed on General File with amendment.  
AM1166

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 43-2201, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-2201 It is the intent of the Legislature to:
- 6 (1) Promote kinship care and lifelong connections through the
- 7 process of family finding when a child has been removed from the legal
- 8 custody of the child's parents;
- 9 (2) Prevent recurrence of abuse, neglect, exploitation, or other
- 10 maltreatment of children;
- 11 (3) Reduce the length of time children spend in foster care;
- 12 (4) Reduce multiple placements of children in foster care;
- 13 (5) Remain in compliance with the federal Fostering Connections to
- 14 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and
- 15 (6) ~~Provide a Create a pilot project for the process for of locating~~
- 16 and engaging family members in the life of a child who is a ward of the
- 17 state or is participating in the bridge to independence program as
- 18 defined in section 43-4503, or both, and in need of permanency through a

19 lifelong network of support.

20 Sec. 2. Section 43-2203, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-2203 The department, its contracted providers of family finding  
23 services, and family members of children involved in cases which are part  
24 of the family finding process pilot project created in section 43-2204  
25 shall participate in family finding. Family finding is the process of  
26 engagement, searching, preparation, planning, decisionmaking, lifetime  
27 network creation, healing, and permanency in order to:

1 (1) Search for and identify family members and engage them in  
2 planning and decisionmaking;

3 (2) Gain commitments from family members to support a child through  
4 nurturing relationships and to support the parent or parents, when  
5 appropriate; and

6 (3) Achieve a safe, permanent legal home or lifelong connection for  
7 the child, either through reunification or through permanent placement  
8 through legal guardianship or adoption.

9 Sec. 3. Section 43-2204, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 43-2204 A family finding process pilot project is created to provide  
12 family finding services ~~within at least two service areas~~. The department  
13 ~~may shall~~ contract with providers of family finding services or the case  
14 management lead agency pilot project authorized under section 68-1212 to  
15 carry out the family finding process services pilot project. A provider  
16 may contract within multiple service areas. Each contracting provider  
17 shall be trained in and implement the steps described in section 43-2203.  
18 ~~The family finding services pilot project shall terminate on June 30,~~  
19 ~~2019.~~

20 Sec. 4. Section 43-2205, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-2205 (1) Under the family finding process pilot project created  
23 under section 43-2204, the department shall refer a portion of all cases  
24 involving children who are wards of the state in foster care or  
25 participating in the bridge to independence program as defined in section  
26 43-4503, or both, to providers of family finding services who or which  
27 shall (a) locate family members of the children, (b) engage and empower  
28 family members, and (c) create an individualized plan to achieve a safe,  
29 permanent legal home for the children when possible.

30 (2) The department shall provide administrative oversight of the  
31 contracts entered into pursuant to the family finding process pilot  
1 ~~project~~ created under section 43-2204.

2 (3) A child's departmental case manager, the child's foster parents,  
3 and the provider of family finding services shall collaborate together to  
4 maximize success throughout the family finding process.

5 (4) The department shall carry out the requirements of the  
6 Interstate Compact for the Placement of Children when achieving out-of-  
7 state placement of a ward of the court, including prompt submission of  
8 required paperwork to ensure that the family finding process moves  
9 forward in a timely manner.

10 Sec. 5. Section 43-2209, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-2209 The department may adopt and promulgate rules and  
13 regulations to carry out sections 43-2201 to ~~43-2207~~ ~~43-2208~~.

14 Sec. 6. Section 68-901, Revised Statutes Supplement, 2017, as  
15 amended by section 1, Initiative Law 2018, No. 427, is amended to read:

16 68-901 Sections 68-901 to 68-991, ~~and~~ section 2 of this act, ~~and~~  
17 section 7 of this act shall be known and may be cited as the Medical  
18 Assistance Act.

19 Sec. 7. Until July 1, 2021, the department shall not add long-term  
20 care services and supports to the medicaid managed care program. For  
21 purposes of this section, long-term care services and supports includes  
22 services of a skilled nursing facility, a nursing facility, and an  
23 assisted-living facility and home and community-based services.

24 Sec. 8. Original sections 43-2201, 43-2203, 43-2204, 43-2205, and  
25 43-2209, Reissue Revised Statutes of Nebraska, and section 68-901,  
26 Revised Statutes Supplement, 2017, as amended by section 1, Initiative  
27 Law 2018, No. 427, are repealed.

28 Sec. 9. The following sections are outright repealed: Sections  
29 43-2206 and 43-2208, Reissue Revised Statutes of Nebraska.

(Signed) Sara Howard, Chairperson

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

Senator Hughes filed the following amendment to LB227:  
AM1209

(Amendments to Standing Committee amendments, AM746)

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

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

4 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 2-4403 A farm or farm operation or a public grain warehouse or  
7 public grain warehouse operation shall not be found to be a public or  
8 private nuisance if:

9 (1) ~~The~~ the farm or farm operation or public grain warehouse or  
10 public grain warehouse operation existed before a change in the land use  
11 or occupancy of land in and about the locality of such farm or farm  
12 operation or public grain warehouse or public grain warehouse operation  
13 and before such change in land use or occupancy of land the farm or farm  
14 operation or public grain warehouse or public grain warehouse operation  
15 would not have been a nuisance; -

16 (2) The farm or farm operation or public grain warehouse or public  
17 grain warehouse operation employs reasonable techniques to mitigate  
18 negative effects on the property of others, including, but not limited  
19 to, reasonable techniques to keep dust, noise, insects, and odors at a  
20 minimum;

21 (3) The farm or farm operation or public grain warehouse or public

22 grain warehouse operation is in compliance with applicable laws and  
 23 regulations, including any zoning regulations of a local governing body;  
 24 and  
 25 (4) There has not been a significant change in the farm or farm  
 26 operation or public grain warehouse or public grain warehouse operation.  
 1 For purposes of this subdivision, a significant change in a farm or farm  
 2 operation or public grain warehouse or public grain warehouse operation  
 3 does not include:  
 4 (a) The conversion from one type of farm or farm operation or public  
 5 grain warehouse or public grain warehouse operation to another type of  
 6 farm or farm operation or public grain warehouse or public grain  
 7 warehouse operation;  
 8 (b) A change in ownership or size of the farm or farm operation or  
 9 public grain warehouse or public grain warehouse operation;  
 10 (c) The enrollment, reduction, or cessation of participation in a  
 11 government program by the farm or farm operation or public grain  
 12 warehouse or public grain warehouse operation; or  
 13 (d) Adoption of new technology by the farm or farm operation or  
 14 public grain warehouse or public grain warehouse operation.  
 15 Sec. 2. Original section 2-4403, Reissue Revised Statutes of  
 16 Nebraska, is repealed.

Senator Hughes filed the following amendment to LB227:  
 AM1201

(Amendments to Standing Committee amendments, AM746)

1 1. On page 2, line 4, strike "ownership or size" and insert "size or  
 2 ownership".

Senator Kolterman filed the following amendment to LB720:  
 AM1198 is available in the Bill Room.

### **COMMITTEE REPORT(S)** Natural Resources

The Natural Resources 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 M. Hoggatt - Nebraska Game and Parks Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Frank Reida - Nebraska Power Review Board

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Robert E. Allen - Nebraska Game and Parks Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

### COMMITTEE REPORT(S)

Natural Resources

**LEGISLATIVE BILL 126.** Placed on General File with amendment.

AM757

1 1. On page 4, line 11, strike "upto" and insert "up to"; in line 12  
 2 strike "during the seven days" and insert "on the Tuesday, Wednesday, and  
 3 Thursday"; strike beginning with "if" in line 14 through "permit" in line  
 4 18; strike lines 23 through 30; and in line 31 strike "(c)" and insert  
 5 "(b)", and strike "shall" and insert "may".

**LEGISLATIVE BILL 700.** Placed on General File with amendment.

AM1098

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 66-911.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 66-911.01 An instrument creating a land right or an option to secure  
 6 a land right in real property or the vertical space above real property  
 7 for a solar agreement or a wind agreement shall be created in writing,  
 8 and the instrument, or an abstract, shall be filed, duly recorded, and  
 9 indexed in the office of the register of deeds of the county in which the  
 10 real property subject to the instrument is located. The instrument shall  
 11 include, but the contents are not limited to:  
 12 (1) The names of the parties;  
 13 (2) A legal description of the real property involved;  
 14 (3) The nature of the interest created;  
 15 (4) The consideration paid for the transfer;  
 16 (5) A description of the improvements the developer intends to make  
 17 on the real property, including, but not limited to: Roads; transmission  
 18 lines; substations; wind turbines; and meteorological towers;  
 19 (6) A description of any decommissioning security or local  
 20 requirements related to decommissioning or requirements of section 5 of  
 21 this act; and  
 22 (7) The terms or conditions, if any, under which the interest may be

23 revised or terminated.

24 An abstract under this section need not include the items described  
25 in subdivisions (4) through (7) of this section.

26 Sec. 2. Section 70-1014.02, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

1 70-1014.02 (1)(a) A privately developed renewable energy generation  
2 facility that meets the requirements of this section is exempt from  
3 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the  
4 commencement of construction the owner of the facility:

5 (i) Notifies the board in writing of its intent to commence  
6 construction of a privately developed renewable energy generation  
7 facility;

8 (ii) Certifies to the board that the facility will meet the  
9 requirements for a privately developed renewable energy generation  
10 facility;

11 (iii) Certifies to the board that the private electric supplier will  
12 (A) comply with any decommissioning requirements adopted by the local  
13 governmental entities having jurisdiction over the privately developed  
14 renewable energy generation facility and with the requirements of section  
15 5 of this act and (B) except as otherwise provided in subdivision (b) of  
16 this subsection, submit a decommissioning plan to the board obligating  
17 the private electric supplier to bear all costs of decommissioning the  
18 privately developed renewable energy generation facility and requiring  
19 that the private electric supplier post a security bond or other  
20 instrument, no later than the tenth year following commercial operation,  
21 securing the costs of decommissioning the facility and provide a copy of  
22 the bond or instrument to the board;

23 (iv) Certifies to the board that the private electric supplier has  
24 entered into or prior to commencing construction will enter into a joint  
25 transmission development agreement pursuant to subdivision (c) of this  
26 subsection with the electric supplier owning the transmission facilities  
27 of sixty thousand volts or greater to which the privately developed  
28 renewable energy generation facility will interconnect; and  
29 (v) Certifies to the board that the private electric supplier has  
30 consulted with the Game and Parks Commission to identify potential  
31 measures to avoid, minimize, and mitigate impacts to species identified  
1 under subsection (1) or (2) of section 37-806 during the project planning  
2 and design phases, if possible, but in no event later than the  
3 commencement of construction.

4 (b) The board may bring an action in the name of the State of  
5 Nebraska for failure to comply with subdivision (a)(iii)(B) of this  
6 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if  
7 a local government entity with the authority to create requirements for  
8 decommissioning has enacted decommissioning requirements for the  
9 applicable jurisdiction.

10 (c) The joint transmission development agreement shall address  
11 construction, ownership, operation, and maintenance of such additions or  
12 upgrades to the transmission facilities as required for the privately  
13 developed renewable energy generation facility. The joint transmission  
14 development agreement shall be negotiated and executed contemporaneously

15 with the generator interconnection agreement or other directives of the  
16 applicable regional transmission organization with jurisdiction over the  
17 addition or upgrade of transmission, upon terms consistent with prudent  
18 electric utility practices for the interconnection of renewable  
19 generation facilities, the electric supplier's reasonable transmission  
20 interconnection requirements, and applicable transmission design and  
21 construction standards. The electric supplier shall have the right to  
22 purchase and own transmission facilities as set forth in the joint  
23 transmission development agreement. The private electric supplier of the  
24 privately developed renewable energy generation facility shall have the  
25 right to construct any necessary facilities or improvements set forth in  
26 the joint transmission development agreement pursuant to the standards  
27 set forth in the agreement at the private electric supplier's cost.

28 (2) Within ten days after receipt of a written notice complying with  
29 subsection (1) of this section, the executive director of the board shall  
30 issue a written acknowledgment that the privately developed renewable  
31 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

1 (3) The exemption allowed under this section for a privately  
2 developed renewable energy generation facility shall extend to and exempt  
3 all private electric suppliers owning any interest in the facility,  
4 including any successor private electric supplier which subsequently  
5 acquires any interest in the facility.

6 (4) No property owned, used, or operated as part of a privately  
7 developed renewable energy generation facility shall be subject to  
8 eminent domain by a consumer-owned electric supplier operating in the  
9 State of Nebraska. Nothing in this section shall be construed to grant  
10 the power of eminent domain to a private electric supplier or limit the  
11 rights of any entity to acquire any public, municipal, or utility right-  
12 of-way across property owned, used, or operated as part of a privately  
13 developed renewable energy generation facility as long as the right-of-  
14 way does not prevent the operation of or access to the privately  
15 developed renewable energy generation facility.

16 (5) Only a consumer-owned electric supplier operating in the State  
17 of Nebraska may exercise eminent domain authority to acquire the land  
18 rights necessary for the construction of transmission lines and related  
19 facilities. The exercise of eminent domain to provide needed transmission  
20 lines and related facilities for a privately developed renewable energy  
21 generation facility is a public use.

22 (6) Nothing in this section shall be construed to authorize a  
23 private electric supplier to sell or deliver electricity at retail in  
24 Nebraska.

25 (7) Nothing in this section shall be construed to limit the  
26 authority of or require a consumer-owned electric supplier operating in  
27 the State of Nebraska to enter into a joint agreement with a private  
28 electric supplier to develop, construct, and jointly own a privately  
29 developed renewable energy generation facility.

30 Sec. 3. Section 76-3001, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 76-3001 For purposes of sections 76-3001 to 76-3004 and section 5 of  
2 this act:

3 (1) Decommissioning security means a security instrument that is  
4 posted or given by a wind developer to a municipality or other  
5 governmental entity to ensure sufficient funding is available for removal  
6 of a wind energy conversion system and reclamation at the end of the  
7 useful life of such a system; and

8 (2) Wind agreement means a right, whether or not stated in the form  
9 of a restriction, easement, covenant, or condition, in any deed, wind  
10 easement, wind option, or lease or lease option securing land for the  
11 study or production of wind-generated energy or any other instrument  
12 executed by or on behalf of any owner of land or air space for the  
13 purpose of allowing another party to study the potential for, or to  
14 develop, a wind energy conversion system as defined in section 66-909.02  
15 on the land or in the air space.

16 Sec. 4. Section 76-3003, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 76-3003 A wind agreement shall comply with section 66-911.01 and  
19 section 5 of this act.

20 Sec. 5. (1) It is the policy of the state that the landscapes of  
21 Nebraska be restored to predevelopment condition when wind turbines built  
22 to generate electricity for commercial purposes are decommissioned in  
23 order to ensure the full benefits of future uses.

24 (2) Every landowner who is a party to a wind agreement shall be  
25 provided with information from the wind turbine owner who is a party to  
26 the same wind agreement detailing the materials and equipment that will  
27 be removed from, and that will remain on, the landowner's property when a  
28 wind turbine is decommissioned.

29 (3) Every wind agreement executed on or after January 1, 2020, for  
30 the installation of wind turbines to be used to generate electricity for  
31 commercial purposes in Nebraska shall provide for the removal of  
1 foundation material and equipment below grade upon decommissioning,  
2 except for a wind turbine which is used for repowering within twenty-four  
3 months after it would have been decommissioned. Any void left from the  
4 removal of foundation material and equipment shall be restored to the  
5 condition of the land prior to the installation of the wind turbine or to  
6 an improved condition otherwise agreed to between the wind turbine owner  
7 and the landowner who are parties to the wind agreement.

8 (4) For purposes of this section:

9 (a) Foundation material and equipment includes, but is not limited  
10 to, anchor bolts, rebar, conduits, and concrete; and

11 (b) Repowering means a process by which a wind turbine that would  
12 otherwise be decommissioned is fully or partially refurbished, upgraded,  
13 or replaced for the purpose of generating electricity.

14 (5) Nothing in this section prevents a political subdivision from  
15 enacting standards that meet or exceed the requirements of this section.

16 Sec. 6. Original sections 66-911.01, 70-1014.02, 76-3001, and  
17 76-3003, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Dan Hughes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 512.** The Chambers motion, MO56, found in this day's Journal, to bracket until June 6, 2019, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

Blood	Dorn	Hilgers	Linehan	Stinner
Bolz	Erdman	Hilkemann	Lowe	Vargas
Bostelman	Friesen	Howard	McCollister	Walz
Brandt	Geist	Hunt	McDonnell	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Clements	Halloran	La Grone	Pansing Brooks	
Crawford	Hansen, B.	Lathrop	Quick	
DeBoer	Hansen, M.	Lindstrom	Slama	

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Albrecht	Brewer	Morfeld
Arch	Hughes	Scheer

The Chambers motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO57

Reconsider the vote taken to bracket.

Pending.

**COMMITTEE REPORT(S)**

## Enrollment and Review

**LEGISLATIVE BILL 212.** Placed on Select File with amendment.

ER63

1 1. On page 1, strike beginning with "the" in line 1 through line 4  
2 and insert "government; to amend sections 23-906 and 77-1601.02, Reissue  
3 Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411,  
4 Revised Statutes Cumulative Supplement, 2018; to change provisions  
5 relating to budget limitations and procedures, hearing notices for county  
6 budgets under the County Budget Act of 1937, hearing notices for property  
7 tax requests, and requirements for holding meetings by videoconference  
8 and telephone conference under the Open Meetings Act; and to repeal the  
9 original sections."

**LEGISLATIVE BILL 15.** Placed on Select File.

**LEGISLATIVE RESOLUTION 14CA.** Placed on Select File.

**LEGISLATIVE BILL 637.** Placed on Select File with amendment.

ER64

1 1. On page 1, line 6, strike "and" and after "sections" insert "  
2 and to declare an emergency".

(Signed) Julie Slama, Chairperson

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

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

Senator Slama name added to LB227.

Senator Wishart name added to LB611.

Senator Quick name added to LB641.

**VISITOR(S)**

Visitors to the Chamber were Joe Trader from Bennington; students and sponsor from Creighton's Schlegel Center for Service and Justice, Omaha; FFA students from Randolph High School; students from Crawford Public Schools; students from Faith Lutheran School, Lincoln; students and sponsors from Winnebago Public Schools; Rene and Craig Mahood from Glenwood, IA; students, teacher, and sponsors from Golden Plains School, Madrid; students, teacher, and sponsors from St. John Lutheran School, Battle Creek; and students from Field Club Elementary School, Omaha.

The Doctor of the Day was Dr. Jayashree Paknikar from Omaha.

**ADJOURNMENT**

At 12:23 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Monday, April 8, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - APRIL 8, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 8, 2019

**PRAYER**

The prayer was offered by Pastor Jeff Peters, Christ the King Community Church, Ponca.

**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 Stinner who was excused; and Senators Hunt, McCollister, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 556.** Title read. Considered.

Committee AM383, found on page 792, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 556A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 570.** Title read. Considered.

Committee AM470, found on page 792, was offered.

Senator Howard offered her amendment, AM1205, found on page 1070, to the committee amendment.

The Howard amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Walz offered her amendment, AM970, found on page 1073, to the committee amendment.

The Walz amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 570A.** Title read. Considered.

Senator Howard offered her amendment, AM1206, found on page 1072.

The Howard amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

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

Senator Lathrop filed the following amendment to LB538:  
AM1229

(Amendments to Standing Committee amendments, AM900)

- 1 1. Strike section 4.
- 2 2. On page 4, line 16, strike "(1) The department" and insert "(1)
- 3 (a) The Tax Commissioner or his or her agents or employees, at the
- 4 direction of the Tax Commissioner, or any peace officer of this state",
- 5 and after "seize" insert "without a warrant"; in line 24 after the
- 6 period insert paragraphing and "(b)"; in line 26 strike "(a)" and insert
- 7 "(i)"; in line 27 strike "(b)" and insert "(ii)"; and after line 28
- 8 insert the following new subdivision:
- 9 "(c) This section does not apply to any device (i) used in any
- 10 bingo, lottery by the sale of pickle cards, or other lottery, raffle, or
- 11 gift enterprise conducted in accordance with the Nebraska Bingo Act,
- 12 Nebraska County and City Lottery Act, Nebraska Lottery and Raffle Act,
- 13 Nebraska Pickle Card Lottery Act, Nebraska Small Lottery and Raffle Act,
- 14 State Lottery Act, or section 9-701, (ii) used for a prize contest as
- 15 defined in section 28-1101, or (iii) specifically authorized by the laws
- 16 of this state."

17 3. On page 5, line 6, strike "seventy-five" and insert "two hundred  
18 fifty".  
19 4. On page 7, line 9, after "skill" insert "and not a game of  
20 chance"; and in line 31 strike "occupation tax described in section  
21 77-3004" and insert "application fee of two hundred fifty dollars".  
22 5. On page 8, line 5, strike "payment of the occupation tax or";  
23 after line 7 insert the following new subsection:  
24 "(9) The owner or operator of a cash device shall pay an annual  
25 renewal fee of two hundred fifty dollars to the department for each  
26 device in operation in Nebraska. The renewal process shall be as  
1 prescribed by rules and regulations adopted and promulgated by the  
2 department. In addition to any other requirements under the Mechanical  
3 Amusement Device Tax Act and such rules and regulations, after an initial  
4 decal is issued, no renewal decal shall be issued for a cash device until  
5 the annual renewal fee for such device has been paid."; in line 8 strike  
6 "(9)" and insert "(10)"; and in lines 8 and 11 after "application" insert  
7 "or renewal".  
8 6. On page 10, line 9, strike the new matter and reinstate the  
9 stricken matter.  
10 7. Renumber the remaining sections and correct the repealer  
11 accordingly.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 472.** Placed on Select File with amendment.  
ER66 is available in the Bill Room.

**LEGISLATIVE BILL 268.** Placed on Select File.

**LEGISLATIVE BILL 352.** Placed on Select File with amendment.  
ER65

1 1. On page 1, line 3, strike "to state intent;"; and strike  
2 beginning with the second "to" in line 5 through the second semicolon in  
3 line 6.

(Signed) Julie Slama, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 31A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundred Sixth Legislature, First Session, 2019.

**GENERAL FILE**

**LEGISLATIVE BILL 445.** Title read. Considered.

Committee AM520, found on page 705, was offered.

Senator McDonnell offered his amendment, AM641, found on page 775, to the committee amendment.

The McDonnell amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 222.** Title read. Considered.

Committee AM424, found on page 570, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 180.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 23.** Title read. Considered.

**SENATOR WILLIAMS PRESIDING**

Committee AM795, found on page 928, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 227.** Title read. Considered.

Committee AM746, found on page 937, was offered.

Senator Hughes offered his amendment, AM1209, found on page 1084, to the committee amendment.

Pending.

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

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

Senator Friesen name added to LB641.

**VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Power Association; students and teacher from Meridian School, Daykin; students from Wilber-Clatonia Public Schools; students from Fredstrom Elementary School, Lincoln; and a group from the Cedars Pioneers Center.

**RECESS**

At 11:55 a.m., on a motion by Senator Hilkemann, 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 Senator Stinner who was excused; and Senators Dorn, B. Hansen, Lindstrom, and Pansing Brooks who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 227.** The Hughes amendment, AM1209, found on page 1084 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Chambers offered the following motion:

MO58

Recommit to the Agriculture Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 6 nays, and 25 not voting.

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

Voting in the affirmative, 8:

Chambers	Howard	Kolowski	McCollister
DeBoer	Hunt	Lathrop	Wishart

Voting in the negative, 28:

Albrecht	Clements	Gragert	La Grone	Murman
Arch	Crawford	Halloran	Lindstrom	Scheer
Bostelman	Dorn	Hansen, B.	Linehan	Slama
Brandt	Erdman	Hilgers	Lowe	Williams
Brewer	Friesen	Hughes	McDonnell	
Briese	Geist	Kolterman	Moser	

Present and not voting, 10:

Blood	Cavanaugh	Hilkemann	Quick	Walz
Bolz	Hansen, M.	Morfeld	Vargas	Wayne

Excused and not voting, 3:

Groene Pansing Brooks Stinner

The Chambers motion to recommit to committee failed with 8 ayes, 28 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

**LEGISLATIVE BILL 177.** Title read. Considered.

Committee AM713, found on page 889, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 304.** Title read. Considered.

Committee AM990, found on page 1001, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present

and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 244.** Placed on General File with amendment.  
AM1214

1 1. Insert the following new section:  
2 Sec. 16. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.  
4 2. On page 3, line 6, after "sign" insert "placed on the outside of  
5 the establishment which includes the establishment's license number".  
6 3. On page 6, line 25, after "diseases" insert ", other than the  
7 practice of massage in mobile massage therapy establishments. The  
8 department may, if it deems necessary, adopt and promulgate rules and  
9 regulations related to mobile massage therapy establishments".

**LEGISLATIVE BILL 460.** Placed on General File with amendment.  
AM1211

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 68-1206, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 68-1206 (1) The Department of Health and Human Services shall  
6 administer the program of social services in this state. The department  
7 may contract with other social agencies for the purchase of social  
8 services at rates not to exceed those prevailing in the state or the cost  
9 at which the department could provide those services. The statutory  
10 maximum payments for the separate program of aid to dependent children  
11 shall apply only to public assistance grants and shall not apply to  
12 payments for social services. As part of the provision of social services  
13 authorized by section 68-1202, the department shall participate in the  
14 federal child care assistance program under 42 U.S.C. 618, as such  
15 section existed on January 1, 2013, and provide child care assistance to  
16 families with incomes up to one hundred twenty-five percent of the  
17 federal poverty level for FY2013-14 and one hundred thirty percent of the  
18 federal poverty level for FY2014-15 and each fiscal year thereafter.  
19 (2) As part of the provision of social services authorized by this  
20 section and section 68-1202, the department shall participate in the  
21 federal Child Care Subsidy program. In determining ongoing eligibility  
22 for this program, ten percent of a household's gross earned income shall  
23 be disregarded after twelve continuous months on the program and at each  
24 subsequent redetermination. ~~In determining ongoing~~ ~~At redetermination of~~  
25 eligibility, if a family's income exceeds one hundred thirty percent of  
26 the federal poverty level, the family shall ~~continue to receive~~  
27 transitional child care assistance through the remainder of the family's  
1 eligibility period or for up to twenty-four consecutive months or until  
2 the family's family income exceeds one hundred eighty-five percent of the  
3 state median income for a family of the same size as reported by the

4 United States Bureau of the Census, whichever occurs first. When the  
5 family's eligibility period ends, the family shall continue to be  
6 eligible for transitional child care assistance if the family's income is  
7 below one hundred eighty-five percent of the federal poverty level. The  
8 family shall receive transitional child care assistance through the  
9 remainder of the transitional eligibility period or until the family's  
10 income exceeds eighty-five percent of the state median income for a  
11 family of the same size as reported by the United States Bureau of the  
12 Census, whichever occurs first, federal poverty level. If a family's  
13 income falls to one hundred thirty percent of the federal poverty level  
14 or below, the twenty-four month time limit in this subsection shall cease  
15 to apply until the family becomes eligible for transitional child care  
16 assistance. The amount of such child care assistance shall be based on a  
17 cost-shared plan between the recipient family and the state and shall be  
18 based on a sliding-scale methodology. A recipient family may be required  
19 to contribute a percentage of such family's gross income for child care  
20 that is no more than the cost-sharing rates in the transitional child  
21 care assistance program as of January 1, 2015, for those no longer  
22 eligible for cash assistance as provided in section 68-1724. Initial  
23 program eligibility standards shall not be impacted by the provisions of  
24 this subsection.

25 (3) In determining the rate or rates to be paid by the department  
26 for child care as defined in section 43-2605, the department shall adopt  
27 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
28 of the state applicable to each child care program category of provider  
29 as defined in section 71-1910 which may claim reimbursement for services  
30 provided by the federal Child Care Subsidy program, except that the  
31 department shall not pay a rate higher than that charged by an individual  
1 provider to that provider's private clients. The schedule may provide  
2 separate rates for care for infants, for children with special needs,  
3 including disabilities or technological dependence, or for other  
4 individual categories of children. The schedule may also provide tiered  
5 rates based upon a quality scale rating of step three or higher under the  
6 Step Up to Quality Child Care Act. The schedule shall be effective on  
7 October 1 of every year and shall be revised annually by the department.  
8 Sec. 2. Section 68-1724, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 68-1724 (1) Cash assistance shall be provided for a period or  
11 periods of time not to exceed a total of sixty months for recipient  
12 families with children subject to the following:

- 13 (a) If the state fails to meet the specific terms of the self-  
14 sufficiency contract developed under section 68-1719, the sixty-month  
15 time limit established in this section shall be extended;
- 16 (b) The sixty-month time period for cash assistance shall begin  
17 within the first month of eligibility;
- 18 (c) When no longer eligible to receive cash assistance, assistance  
19 shall be available to reimburse work-related child care expenses even if  
20 the recipient family has not achieved economic self-sufficiency. The  
21 amount of such assistance shall be based on a cost-shared plan between

22 the recipient family and the state which shall provide assistance up to  
23 one hundred eighty-five percent of the federal poverty level ~~for up to~~  
24 ~~twenty four months~~. A recipient family may be required to contribute up  
25 to twenty percent of such family's gross income for child care. It is the  
26 intent of the Legislature that transitional health care coverage be made  
27 available on a sliding-scale basis to individuals and families with  
28 incomes up to one hundred eighty-five percent of the federal poverty  
29 level if other health care coverage is not available; and

30 (d) The self-sufficiency contract shall be revised and cash  
31 assistance extended when there is no job available for adult members of  
1 the recipient family. It is the intent of the Legislature that available  
2 job shall mean a job which results in an income of at least equal to the  
3 amount of cash assistance that would have been available if receiving  
4 assistance minus unearned income available to the recipient family.  
5 The department shall develop policy guidelines to allow for cash  
6 assistance to persons who have received the maximum cash assistance  
7 provided by this section and who face extreme hardship without additional  
8 assistance. For purposes of this section, extreme hardship means a  
9 recipient family does not have adequate cash resources to meet the costs  
10 of the basic needs of food, clothing, and housing without continuing  
11 assistance or the child or children are at risk of losing care by and  
12 residence with their parent or parents.

13 (2) Cash assistance conditions under the Welfare Reform Act shall be  
14 as follows:

15 (a) Adults in recipient families shall mean individuals at least  
16 nineteen years of age living with and related to a child eighteen years  
17 of age or younger and shall include parents, siblings, uncles, aunts,  
18 cousins, or grandparents, whether the relationship is biological,  
19 adoptive, or step;

20 (b) The payment standard shall be based upon family size;

21 (c) The adults in the recipient family shall ensure that the minor  
22 children regularly attend school. Education is a valuable personal  
23 resource. The cash assistance provided to the recipient family may be  
24 reduced when the parent or parents have failed to take reasonable action  
25 to encourage the minor children of the recipient family ages sixteen and  
26 under to regularly attend school. No reduction of assistance shall be  
27 such as may result in extreme hardship. It is the intent of the  
28 Legislature that a process be developed to insure communication between  
29 the case manager, the parent or parents, and the school to address issues  
30 relating to school attendance;

31 (d) Two-parent families which would otherwise be eligible under  
1 section 43-504 or a federally approved waiver shall receive cash  
2 assistance under this section;

3 (e) For minor parents, the assistance payment shall be based on the  
4 minor parent's income. If the minor parent lives with at least one  
5 parent, the family's income shall be considered in determining  
6 eligibility and cash assistance payment levels for the minor parent. If  
7 the minor parent lives independently, support shall be pursued from the  
8 parents of the minor parent. If the absent parent of the minor's child is

9 a minor, support from his or her parents shall be pursued. Support from  
10 parents as allowed under this subdivision shall not be pursued when the  
11 family income is less than three hundred percent of the federal poverty  
12 guidelines; and

13 (f) For adults who are not biological or adoptive parents or  
14 stepparents of the child or children in the family, if assistance is  
15 requested for the entire family, including the adults, a self-sufficiency  
16 contract shall be entered into as provided in section 68-1719. If  
17 assistance is requested for only the child or children in such a family,  
18 such children shall be eligible after consideration of the family's  
19 income and if (i) the family cooperates in pursuing child support and  
20 (ii) the minor children of the family regularly attend school.

21 Sec. 3. Section 71-1912, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-1912 (1) Before issuance of a license, the department shall  
24 investigate or cause an investigation to be made, when it deems  
25 necessary, to determine if the applicant or person in charge of the  
26 program meets or is capable of meeting the physical well-being, safety,  
27 and protection standards and the other rules and regulations of the  
28 department adopted and promulgated under the Child Care Licensing Act.  
29 The department may investigate the character of applicants and licensees,  
30 any member of the applicant's or licensee's household, and the staff and  
31 employees of programs ~~by making a national criminal history record~~  
1 ~~information check.~~ The department may at any time inspect or cause an  
2 inspection to be made of any place where a program is operating to  
3 determine if such program is being properly conducted.

4 (2) All inspections by the department shall be unannounced except  
5 for initial licensure visits and consultation visits. Initial licensure  
6 visits are announced visits necessary for a provisional license to be  
7 issued to a family child care home I, family child care home II, child  
8 care center, or school-age-only or preschool program. Consultation visits  
9 are announced visits made at the request of a licensee for the purpose of  
10 consulting with a department specialist on ways of improving the program.

11 (3) An unannounced inspection of any place where a program is  
12 operating shall be conducted by the department or the city, village, or  
13 county pursuant to subsection (2) of section 71-1914 at least annually  
14 for a program licensed to provide child care for fewer than thirty  
15 children and at least twice every year for a program licensed to provide  
16 child care for thirty or more children.

17 (4) Whenever an inspection is made, the findings shall be recorded  
18 in a report designated by the department. The public shall have access to  
19 the results of these inspections upon a written or oral request to the  
20 department. The request must include the name and address of the program.  
21 Additional unannounced inspections shall be performed as often as is  
22 necessary for the efficient and effective enforcement of the Child Care  
23 Licensing Act.

24 (5)(a) A person applying for a license as a child care provider or a  
25 licensed child care provider under the Child Care Licensing Act shall  
26 submit a request for a national criminal history record information check

27 for each child care staff member, including a prospective child care  
28 staff member of the child care provider, at the applicant's or licensee's  
29 expense, as set forth in this section. Beginning on September 1, 2019, a  
30 prospective child care staff member shall submit to a national criminal  
31 history record information check (i) prior to employment, except as  
1 otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on  
2 January 1, 2019, or (ii) prior to residing in a family child care home. A  
3 child care staff member who was employed by a child care provider prior  
4 to September 1, 2019, or who resided in a family child care home prior to  
5 September 1, 2019, shall submit to a national criminal history record  
6 information check by September 1, 2021, unless the child care staff  
7 member ceases to be a child care staff member prior to such date.  
8 (b) A child care staff member shall be required to undergo a  
9 national criminal history record information check not less than once  
10 during each five-year period. A child care staff member shall submit a  
11 complete set of his or her fingerprints to the Nebraska State Patrol. The  
12 Nebraska State Patrol shall transmit a copy of the child care staff  
13 member's fingerprints to the Federal Bureau of Investigation for a  
14 national criminal history record information check. The national criminal  
15 history record information check shall include information concerning  
16 child care staff members from federal repositories of such information  
17 and repositories of such information in other states, if authorized by  
18 federal law for use by the Nebraska State Patrol. The Nebraska State  
19 Patrol shall issue a report to the department that includes the  
20 information collected from the national criminal history record  
21 information check concerning child care staff members. A child care staff  
22 member being screened shall pay the actual cost of the fingerprinting and  
23 national criminal history record information check. The department and  
24 the Nebraska State Patrol may adopt and promulgate rules and regulations  
25 concerning the costs associated with the fingerprinting and the national  
26 criminal history record information check. The department may adopt and  
27 promulgate rules and regulations implementing national criminal history  
28 record information check requirements for child care providers and child  
29 care staff members.  
30 (c) A child care staff member shall also submit to the following  
31 background checks at his or her expense:  
1 (i) A search of the National Crime Information Center's National Sex  
2 Offender Registry; and  
3 (ii) A search of the following registries, repositories, or data  
4 bases in the state where the child care provider is located or where the  
5 child care staff member resides and each state where the child care  
6 provider was located or where the child care staff member resided during  
7 the preceding five years:  
8 (A) State criminal registries or repositories;  
9 (B) State sex offender registries or repositories; and  
10 (C) State-based child abuse and neglect registries and data bases.  
11 (d) Any individual shall be ineligible for employment by a child  
12 care provider if such individual:  
13 (i) Refuses to consent to the national criminal history record

14 information check described in this subsection;  
15 (ii) Knowingly makes a materially false statement in connection with  
16 the national criminal history record information check;  
17 (iii) Is registered, or required to be registered, on a state sex  
18 offender registry or repository or the National Sex Offender Registry; or  
19 (iv) Has been convicted of a crime of violence, a crime of moral  
20 turpitude, or a crime of dishonesty.  
21 (e) The department may adopt and promulgate rules and regulations  
22 prohibiting the employment of any child care staff member with one or  
23 more criminal convictions as the department deems necessary to protect  
24 the health and safety of children receiving child care.  
25 (f) A child care provider shall be ineligible for a license under  
26 the Child Care Licensing Act and shall be ineligible to participate in  
27 the child care subsidy program if the provider employs a child care staff  
28 member who is ineligible for employment under subdivisions (d) or (e) of  
29 this subsection.  
30 (g) National criminal history record information subject to federal  
31 confidentiality requirements may only be used for purposes of granting a  
1 child care license or approving a child care provider for participation  
2 in the child care subsidy program.  
3 (h) For purposes of this subsection:  
4 (i) Child care provider means a child care program other than a  
5 family child care home I; and  
6 (ii) Child care staff member means an individual who is not related  
7 to all of the children for whom child care services are provided and:  
8 (A) Who is employed by a child care provider for compensation,  
9 including contract employees or self-employed individuals;  
10 (B) Whose activities involve the care or supervision of children for  
11 a child care provider or unsupervised access to children who are cared  
12 for or supervised by a child care provider; or  
13 (C) Who is residing in a family child care home and who is eighteen  
14 years of age or older.  
15 Sec. 4. Section 71-1924, Reissue Revised Statutes of Nebraska, is  
16 amended to read:  
17 71-1924 Sections 71-1924 to 71-1951 and section 5 of this act shall  
18 be known and may be cited as the Children's Residential Facilities and  
19 Placing Licensure Act.  
20 Sec. 5. (1) Any individual eighteen years of age or older working in  
21 a residential child-caring agency shall be required to undergo a national  
22 criminal history record information check not less than once during each  
23 five-year period that he or she is working in such an agency. The  
24 individual shall submit a complete set of his or her fingerprints to the  
25 Nebraska State Patrol. The Nebraska State Patrol shall transmit a copy of  
26 the individual's fingerprints to the Federal Bureau of Investigation for  
27 a national criminal history record information check. The national  
28 criminal history record information check shall include information  
29 concerning the individual from federal repositories of such information  
30 and repositories of such information in other states, if authorized by  
31 federal law for use by the Nebraska State Patrol. The Nebraska State

1 Patrol shall issue a report to the department that includes the  
2 information collected from the national criminal history record  
3 information check concerning the individual. The individual being  
4 screened shall pay the actual cost of the fingerprinting and national  
5 criminal history record information check, except that the department may  
6 pay all or part of the cost if funding becomes available. The department  
7 and the Nebraska State Patrol may adopt and promulgate rules and  
8 regulations concerning the costs associated with the fingerprinting and  
9 the national criminal history record information check. The department  
10 may adopt and promulgate rules and regulations implementing national  
11 criminal history record information check requirements for residential  
12 child-caring agencies.  
13 (2) An individual eighteen years of age or older working in a  
14 residential child-caring agency shall also submit to the following  
15 background checks:  
16 (a) A search of the National Crime Information Center's National Sex  
17 Offender Registry; and  
18 (b) A search of the following registries, repositories, or data  
19 bases in the state where the individual resides and each state where the  
20 individual resided during the preceding five years:  
21 (i) State criminal registries or repositories;  
22 (ii) State sex offender registries or repositories; and  
23 (iii) State-based child abuse and neglect registries and data bases.  
24 Sec. 6. Sections 1, 2, 3, and 7 of this act become operative three  
25 calendar months after the adjournment of this legislative session. The  
26 other sections of this act become operative on their effective date.  
27 Sec. 7. Original sections 68-1206, 68-1724, and 71-1912, Reissue  
28 Revised Statutes of Nebraska, are repealed.  
29 Sec. 8. Original section 71-1924, Reissue Revised Statutes of  
30 Nebraska, is repealed.  
31 Sec. 9. Since an emergency exists, this act takes effect when passed  
1 and approved according to law.

**LEGISLATIVE BILL 540.** Placed on General File with amendment.  
AM1182

1 1. On page 2, line 23, reinstate the stricken matter beginning with  
2 "(4)" through the comma, after the comma insert "2025", and reinstate the  
3 period.

(Signed) Sara Howard, Chairperson

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

Senator Linehan filed the following amendment to LB334:  
AM1220

(Amendments to Standing Committee amendments, AM801)

1 1. Strike section 7 and insert the following new section:  
2 Sec. 6. Section 81-829.33, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 81-829.33 The Governor's Emergency Cash Fund is created. The fund  
 5 shall consist of federal reimbursements received by the state for  
 6 eligible state administrative costs incurred by the Nebraska Emergency  
 7 Management Agency for administering federal emergency disaster  
 8 declarations and revenue from all other nonfederal government sources.  
 9 Except as provided in section 90-270, the fund shall be used to pay  
 10 eligible costs related to state emergency disaster declarations. The fund  
 11 shall be administered by the State Administrator of the Nebraska  
 12 Emergency Management Agency. Any money in the fund available for  
 13 investment shall be invested by the state investment officer pursuant to  
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 15 Investment Act. It is the intent of the Legislature that (1) the four  
 16 million dollars saved due to the elimination of funding for the Angel  
 17 Investment Tax Credit Act be used to increase the appropriation to the  
 18 Governor's Emergency Cash Fund by four million dollars for fiscal year  
 19 2020-21 and each fiscal year thereafter and (2) the one hundred thousand  
 20 dollars saved due to the reduction in tax credits authorized under the  
 21 Angel Investment Tax Credit Act for calendar year 2019 be used to  
 22 increase the appropriation to the Department of Revenue by one hundred  
 23 thousand dollars for fiscal year 2019-20 to offset the costs incurred by  
 24 the Department of Revenue to implement this legislative bill.  
 25 2. Renumber the remaining sections and correct the repealer  
 26 accordingly.

Senator Friesen filed the following amendment to LB356:  
 AM1167 is available in the Bill Room.

Senator Kolterman filed the following amendment to LB31:  
 AM1247

(Amendments to Standing Committee amendments, AM1169)

- 1 1. On page 3, strike beginning with "1" in line 30 through line  
 2 31.
- 3 2. On page 4, strike beginning with "specified" in line 1 through  
 4 "2" in line 6; in line 16 strike "any such" and insert "each"; and in  
 5 line 17 strike "the Class V School Employees Retirement Management Study  
 6 Fund" and insert "such Class V school employees retirement system".

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

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

Senator Wayne name added to LB605.

#### **VISITOR(S)**

Visitors to the Chamber were professors from Pakistan participating in a UNO and US Department of State cultural exchange; students from

Washington Elementary School, Omaha; and students and sponsors from Future Career and Community Leaders of America from across the state.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - APRIL 9, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, April 9, 2019

**PRAYER**

The prayer was offered by Pastor Dan Wiese, Mt. Calvary Lutheran Church, Holdrege.

**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 Bolz, Cavanaugh, B. Hansen, Hunt, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

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

Senator Pansing Brooks filed the following amendment to LB138:  
 AM1226

(Amendments to Standing Committee amendments, AM783)

- 1 1. Insert the following new sections:
- 2 Section 1. (1) The Legislature finds and declares that:
- 3 (a) Nebraska is a welcoming state for veterans and their families;
- 4 and
- 5 (b) Nebraska is committed to workforce development initiatives that
- 6 help attract and retain veterans and their families.
- 7 (2) It is the intent of the Legislature to:
- 8 (a) Increase efforts to create public awareness among veterans and
- 9 their families about the benefits of living and working in Nebraska,
- 10 including special initiatives enacted to make Nebraska a veteran-friendly
- 11 state; and
- 12 (b) Develop new initiatives to better connect veterans to Nebraska's
- 13 job market and the workforce development needs of employers.
- 14 (3) The position of veterans' program coordinator shall be

15 maintained by the Department of Labor. The coordinator shall be a veteran  
 16 and a full-time employee of the Department of Labor and shall:

- 17 (a) Seek advice and input from the Commission on Military and  
 18 Veteran Affairs related to veterans' workforce development issues;  
 19 (b) Be a nonvoting, ex officio member of the Commission on Military  
 20 and Veteran Affairs; and  
 21 (c) Submit an annual progress report to the Commission on Military  
 22 and Veteran Affairs.

23 (4) The Department of Labor shall provide the necessary staff to  
 24 assist the veterans' program coordinator in carrying out the purposes of  
 25 this section.

26 (5) The Department of Veterans' Affairs shall:

- 1 (a) Develop a web site, in collaboration with the Department of  
 2 Labor, with a job-search tool specific to veterans; and  
 3 (b) Research best practices and web sites specific to veterans from  
 4 other states.

5 Sec. 2. Section 55-601, Revised Statutes Cumulative Supplement,  
 6 2018, is amended to read:

7 55-601 (1) The Commission on Military and Veteran Affairs is  
 8 created. The commission shall consist of the following voting members:

- 9 (a) The Director of Economic Development;  
 10 (b) The Adjutant General or his or her designee;  
 11 (c) The Director of Veterans' Affairs; and  
 12 (d) Three residents of the State of Nebraska, one from each  
 13 congressional district. At least one of the three residents shall have  
 14 current or prior military experience and at least one shall have a  
 15 background in business.

16 (2) The commission shall have the following nonvoting, ex officio  
 17 members:

- 18 (a) The veterans' program coordinator of the Department of Labor;  
 19 (b) ~~(a)~~ The chair of the State Committee of Employer Support of the  
 20 Guard and Reserve;  
 21 (c) ~~(b)~~ The commander of the 55th Wing of the Air Combat Command or  
 22 his or her designee;  
 23 (d) ~~(c)~~ The commander of the United States Strategic Command or his  
 24 or her designee; and  
 25 (e) ~~(d)~~ The commander of the 557th Weather Wing of the United States  
 26 Air Force or his or her designee.

27 (3) The members of the commission described in subdivision (1)(d) of  
 28 this section shall be appointed by the Governor. The Governor shall  
 29 designate the initial terms of the members described in subdivision (1)  
 30 (d) of this section so that one member serves for a term of two years,  
 31 one member serves for a term of three years, and one member serves for a  
 1 term of four years. Succeeding appointments shall be for terms of four  
 2 years and shall be made in the same manner as the original appointments.  
 3 The terms of the members shall begin on October 1 of the year in which  
 4 they are appointed unless appointed to fill a vacancy. Appointments to  
 5 fill a vacancy, occurring other than by the expiration of a term of  
 6 office, shall be made for the unexpired term of the member whose office

7 is vacated.

8 2. Renumber the remaining sections and correct internal references

9 and the repealer accordingly.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76.

### GENERAL FILE

**LEGISLATIVE BILL 512.** Senator Chambers renewed his motion, MO57, found on page 1090, to reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 39:

Albrecht	Crawford	Hansen, M.	Lindstrom	Quick
Arch	Dorn	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Howard	McCollister	Sinner
Brandt	Gragert	Hughes	McDonnell	Wayne
Brewer	Groene	Kolterman	Moser	Williams
Briese	Halloran	La Grone	Murman	Wishart
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Present and not voting, 3:

Hunt            Kolowski        Walz

Excused and not voting, 6:

Bolz	DeBoer	Morfeld
Cavanaugh	Geist	Vargas

The Chambers motion to reconsider failed with 1 aye, 39 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO59

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

The Erdman amendment, AM1217, found on page 1081, to the committee amendment, was renewed.

Senator Chambers requested a record vote on the Erdman amendment.

Voting in the affirmative, 41:

Albrecht	DeBoer	Hansen, M.	Lowe	Stinner
Arch	Dorn	Hilgers	McCollister	Vargas
Blood	Erdman	Hilkemann	McDonnell	Walz
Bostelman	Friesen	Howard	Morfeld	Williams
Brandt	Geist	Hughes	Moser	Wishart
Briese	Gragert	Hunt	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Clements	Halloran	Lathrop	Quick	
Crawford	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Kolowski	La Grone	Lindstrom	Wayne
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Excused and not voting, 3:

Bolz	Brewer	Scheer
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The Erdman amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Committee AM423, found on page 607 and considered on page 1081, as amended, was renewed.

Senator Chambers requested a record vote on the committee amendment, as amended.

Voting in the affirmative, 41:

Albrecht	DeBoer	Hilgers	Lowe	Slama
Arch	Dorn	Hilkemann	McCollister	Stinner
Blood	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Morfeld	Wayne
Brandt	Geist	Hunt	Moser	Williams
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Gragert	Kolowski	Lindstrom	Vargas
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Excused and not voting, 3:

Bolz	Brewer	Wishart
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The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Albrecht	DeBoer	Hansen, M.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Blood	Erdman	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Howard	Morfeld	Walz
Brandt	Geist	Hughes	Moser	Wayne
Brewer	Gragert	Kolterman	Murman	Williams
Cavanaugh	Groene	La Grone	Pansing Brooks	
Clements	Halloran	Lathrop	Quick	
Crawford	Hansen, B.	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

Briese	Chambers	Hunt	Kolowski	Lindstrom
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Excused and not voting, 2:

Bolz	Wishart
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Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present

and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 556.** Placed on Select File with amendment.  
ER67

1 1. On page 1, strike beginning with "the" in line 1 through line 7  
2 and insert "prescription drugs; to amend section 71-2454, Reissue Revised  
3 Statutes of Nebraska, and sections 28-473, 28-474, and 38-101, Revised  
4 Statutes Cumulative Supplement, 2018; to transfer provisions to the  
5 Uniform Credentialing Act; to change duties for practitioners related to  
6 certain prescriptions; to exempt certain prescriptions from requirements;  
7 to change provisions relating to the prescription drug monitoring  
8 program; to define and redefine terms; to eliminate obsolete provisions;  
9 to harmonize provisions; to repeal the original sections; and to declare  
10 an emergency."

**LEGISLATIVE BILL 556A.** Placed on Select File.

**LEGISLATIVE BILL 570.** Placed on Select File with amendment.  
ER69

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
6 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
7 on or before July 15, 2014, (b) sixty million three hundred fifty  
8 thousand dollars on or before July 15, 2015, (c) sixty million three  
9 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
10 million seven hundred thousand dollars on or before July 15, 2017, (e)  
11 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
12 million six hundred thousand dollars on or before July 15, 2018, (g)  
13 sixty-one million ~~four~~ ~~three~~ hundred fifty thousand dollars on or before  
14 July 15, 2019, and (h) sixty million four hundred fifty thousand dollars  
15 on or before every July 15 thereafter from the Nebraska Medicaid  
16 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
17 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
18 be reduced by the amount of the unobligated balance in the Nebraska  
19 Health Care Cash Fund at the time the transfer is made. The state  
20 investment officer shall advise the State Treasurer on the amounts to be  
21 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
22 until the fund balance is depleted and from the Nebraska Tobacco  
23 Settlement Trust Fund thereafter in order to sustain such transfers in  
24 perpetuity. The state investment officer shall report electronically to  
25 the Legislature on or before October 1 of every even-numbered year on the  
26 sustainability of such transfers. The Nebraska Health Care Cash Fund  
27 shall also include money received pursuant to section 77-2602. Except as

1 otherwise provided by law, no more than the amounts specified in this  
2 subsection may be appropriated or transferred from the Nebraska Health  
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the  
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are  
8 funded through the Nebraska Health Care Cash Fund until funding for all  
9 programs with an appropriation from the fund during FY2012-13 are  
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for  
12 investment shall be invested by the state investment officer pursuant to  
13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational  
16 institutions having colleges of medicine in Nebraska and their affiliated  
17 research hospitals in Nebraska, as a condition of receiving any funds  
18 appropriated or transferred from the Nebraska Health Care Cash Fund,  
19 shall not discriminate against any person on the basis of sexual  
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or  
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
23 Board of Regents of the University of Nebraska for the University of  
24 Nebraska Medical Center. It is the intent of the Legislature that these  
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff  
27 and operating costs necessary to carry out the changes made by Laws 2018,  
28 LB439, and not covered by fees or federal funds shall be funded from the  
29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.  
30 Sec. 2. Section 81-6,121, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

1 81-6,121 The Legislature finds and declares that:

2 (1) In 1999 the United States Supreme Court held in the case of  
3 *Olmstead v. L.C.*, 527 U.S. 581, that unjustified segregation of persons  
4 with disabilities constitutes discrimination in violation of Title II of  
5 the federal Americans with Disabilities Act of 1990. The court held that  
6 public entities must provide community-based services to persons with  
7 disabilities when (a) such services are appropriate, (b) the affected  
8 persons do not oppose community-based services, and (c) community-based  
9 services can be reasonably accommodated, taking into account the  
10 resources available to the public entity and the needs of others who are  
11 receiving disability services from the entity. The court stated that  
12 institutional placement of persons who can handle and benefit from  
13 community-based services perpetuates unwarranted assumptions that persons  
14 so isolated are incapable or unworthy of participating in community life;  
15 and that confinement in an institution severely diminishes the everyday  
16 life activities of individuals, including family relations, social  
17 contacts, work options, economic independence, educational advancement,  
18 and cultural enrichment;

19 (2) Many Nebraskans with disabilities live in institutional  
 20 placements and settings where they are segregated and isolated with  
 21 diminished opportunities to participate in community life; and  
 22 (3) The United States Supreme Court further stated in the Olmstead  
 23 decision that development of (a) a comprehensive, effective working plan  
 24 for providing services to qualified persons with disabilities in the most  
 25 integrated community-based settings and (b) a waiting list that moves at  
 26 a reasonable pace could be important ways for a state to demonstrate its  
 27 commitment to achieving compliance with the federal Americans with  
 28 Disabilities Act of 1990.  
 29 Sec. 3. Section 81-6,122, Revised Statutes Cumulative Supplement,  
 30 2018, is amended to read:  
 31 81-6,122 (1) The Department of Health and Human Services, the  
 1 Governor's Policy Research Office, the Department of Correctional  
 2 Services, the Department of Economic Development, the Department of  
 3 Labor, the Department of Transportation, the State Department of  
 4 Education, and the office of the state long-term care ombudsman shall  
 5 develop a comprehensive strategic plan for providing services to  
 6 qualified persons with disabilities in the most integrated community-  
 7 based settings pursuant to the Olmstead decision.  
 8 (2) The Director of Behavioral Health of the Division of Behavioral  
 9 Health of the Department of Health and Human Services, the Director of  
 10 Children and Family Services of the Division of Children and Family  
 11 Services of the Department of Health and Human Services, the Director of  
 12 Developmental Disabilities of the Division of Developmental Disabilities  
 13 of the Department of Health and Human Services, the Director of Medicaid  
 14 and Long-Term Care of the Division of Medicaid and Long-Term Care of the  
 15 Department of Health and Human Services, the Director of Public Health of  
 16 the Division of Public Health of the Department of Health and Human  
 17 Services, the Director of Correctional Services, the Director of Economic  
 18 Development, the Commissioner of Labor, the Director-State Engineer, the  
 19 Commissioner of Education, and the state long-term care ombudsman  
 20 department shall ~~(a)~~ convene as a team to:  
 21 (a) Develop the strategic plan described in subsection (1) of this  
 22 section;  
 23 (b) Appoint consisting of persons from each of the six divisions of  
 24 the department to assess components of the strategic plan which may be in  
 25 development; (b) consult with other state agencies that administer  
 26 programs serving persons with disabilities; (c) appoint and convene a  
 27 stakeholder advisory committee to assist in the review and development of  
 28 the strategic plan, such committee members to include a representative  
 29 from the State Advisory Committee on Mental Health Services, the Advisory  
 30 Committee on Developmental Disabilities, the Nebraska Statewide  
 31 Independent Living Council, the Nebraska Planning Council on  
 1 Developmental Disabilities, the Division of Rehabilitation Services in  
 2 the State Department of Education, the Commission for the Deaf and Hard  
 3 of Hearing, the Commission for the Blind and Visually Impaired, a housing  
 4 authority in a city of the first or second class and a housing authority  
 5 in a city of the primary or metropolitan class, the Assistive Technology

6 Partnership, the protection and advocacy system for Nebraska, an  
 7 assisted-living organization, the behavioral health regions, mental  
 8 health practitioners, developmental disability service providers, an  
 9 organization that advocates for persons with developmental disabilities,  
 10 an organization that advocates for persons with mental illness, an  
 11 organization that advocates for persons with brain injuries, and an area  
 12 agency on aging, and including two persons with disabilities representing  
 13 self-advocacy organizations, and, at the department's discretion, other  
 14 persons with expertise in programs serving persons with disabilities;  
 15 (c) Arrange ~~(d) determine the need for~~ consultation with an  
 16 independent a consultant to assist with the continued analysis and  
 17 revision development of the strategic plan and determine whether the  
 18 benchmarks, deadlines, and timeframes are in substantial compliance with  
 19 the strategic plan;  
 20 (d) Provide continuing analysis of the strategic plan and a report  
 21 on the progress of the strategic plan and changes or revisions to the  
 22 Legislature by December 15, 2021, and every three years thereafter; and  
 23 (e) Provide ~~provide a preliminary progress report to the Legislature~~  
 24 and the Governor by December 15, 2016, which includes, but is not limited  
 25 to, (i) the components of the strategic plan which may be in development  
 26 and (ii) the department's recommendation on hiring a consultant; (f)  
 27 provide a second progress report to the Legislature and the Governor by  
 28 December 15, 2017; and (g) provide the completed strategic plan to the  
 29 Legislature and the Governor by November 1, 2019 ~~December 15, 2018.~~  
 30 (3) The reports and completed plan shall be submitted electronically  
 31 to the Legislature.

1 Sec. 4. Original section 71-7611, Reissue Revised Statutes of  
 2 Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative  
 3 Supplement, 2018, are repealed.

4 Sec. 5. Since an emergency exists, this act takes effect when  
 5 passed and approved according to law.

6 2. On page 1, strike beginning with "persons" in line 1 through line  
 7 7 and insert "public health and welfare; to amend section 71-7611,  
 8 Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122,  
 9 Revised Statutes Cumulative Supplement, 2018; to change transfers to the  
 10 Nebraska Health Care Cash Fund; to restate legislative intent; to change  
 11 provisions regarding the strategic plan for providing services to persons  
 12 with disabilities as prescribed; to provide powers and duties; to require  
 13 reports; to eliminate obsolete provisions; to repeal the original  
 14 sections; and to declare an emergency."

**LEGISLATIVE BILL 570A.** Placed on Select File with amendment.  
 ER70

1 1. On page 1, line 1, after the semicolon insert "to amend Laws  
 2 2018, LB944, section 15;"; and in line 3 after the semicolon insert "to  
 3 reduce an appropriation as prescribed; to state intent; to repeal the  
 4 original section;".

**LEGISLATIVE BILL 445.** Placed on Select File with amendment.

ER68

1 1. On page 1, strike beginning with "of" in line 1 through  
2 "collected" in line 4 and insert "and villages; to amend section 18-1208,  
3 Reissue Revised Statutes of Nebraska; to require annual reports relating  
4 to occupation taxes as prescribed".

**LEGISLATIVE BILL 222.** Placed on Select File.

**LEGISLATIVE BILL 180.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Howard filed the following amendment to LB570A:

AM1249

(Amendments to AM1206)

1 1. On page 1, line 25, strike "\$142,199" and insert "\$105,740".

**GENERAL FILE**

**LEGISLATIVE BILL 334.** Title read. Considered.

Committee AM801, found on page 974, was offered.

Senator Erdman withdrew his amendment, AM742, found on page 879.

Senator Clements offered his amendment, AM1185, found on page 1063, to the committee amendment.

The Clements amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Linehan offered her amendment, AM1220, found on page 1105, to the committee amendment.

Senator Linehan withdrew her amendment.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**VISITOR(S)**

Visitors to the Chamber were students from St. John the Baptist Catholic School, Plattsmouth; students from St. Patrick Catholic School, Lincoln; and students from Birchcrest Elementary School, Bellevue.

**RECESS**

At 11:55 a.m., on a motion by Senator Lindstrom, 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 Senator Wayne who was excused; and Senators B. Hansen, M. Hansen, Howard, Hunt, Linehan, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 626.** Placed on General File with amendment.  
AM768

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

3 Section 1. (1) The Legislature finds and declares that:

4 (a) Nebraska is a welcoming state for veterans and their families;

5 and

6 (b) Nebraska is committed to workforce development initiatives that  
7 help attract and retain veterans and their families.

8 (2) It is the intent of the Legislature to:

9 (a) Increase efforts to create public awareness among veterans and  
10 their families about the benefits of living and working in Nebraska.

11 including special initiatives enacted to make Nebraska a veteran-friendly  
12 state; and

13 (b) Develop new initiatives to better connect veterans to Nebraska's  
14 job market and the workforce development needs of employers.

15 (3) The position of veterans' program coordinator shall be  
16 maintained by the Department of Labor. The coordinator shall be a veteran  
17 and a full-time employee of the Department of Labor and shall:

18 (a) Seek advice and input from the Commission on Military and  
19 Veteran Affairs related to veterans' workforce development issues;

20 (b) Be a nonvoting, ex officio member of the Commission on Military  
21 and Veteran Affairs; and

22 (c) Submit an annual progress report to the Commission on Military  
23 and Veteran Affairs.

24 (4) The Department of Labor shall provide the necessary staff to  
25 assist the veterans' program coordinator in carrying out the purposes of  
26 this section.

27 (5) The Department of Veterans' Affairs shall:

1 (a) Develop a web site, in collaboration with the Department of  
 2 Labor, with a job-search tool specific to veterans; and  
 3 (b) Research best practices and web sites specific to veterans from  
 4 other states.  
 5 Sec. 2. Section 55-601, Revised Statutes Cumulative Supplement,  
 6 2018, is amended to read:  
 7 55-601 (1) The Commission on Military and Veteran Affairs is  
 8 created. The commission shall consist of the following voting members:  
 9 (a) The Director of Economic Development;  
 10 (b) The Adjutant General or his or her designee;  
 11 (c) The Director of Veterans' Affairs; and  
 12 (d) Three residents of the State of Nebraska, one from each  
 13 congressional district. At least one of the three residents shall have  
 14 current or prior military experience and at least one shall have a  
 15 background in business.  
 16 (2) The commission shall have the following nonvoting, ex officio  
 17 members:  
 18 (a) The veterans' program coordinator of the Department of Labor;  
 19 (b) ~~(a)~~ The chair of the State Committee of Employer Support of the  
 20 Guard and Reserve;  
 21 (c) ~~(b)~~ The commander of the 55th Wing of the Air Combat Command or  
 22 his or her designee;  
 23 (d) ~~(c)~~ The commander of the United States Strategic Command or his  
 24 or her designee; and  
 25 (e) ~~(d)~~ The commander of the 557th Weather Wing of the United States  
 26 Air Force or his or her designee.  
 27 (3) The members of the commission described in subdivision (1)(d) of  
 28 this section shall be appointed by the Governor. The Governor shall  
 29 designate the initial terms of the members described in subdivision (1)  
 30 (d) of this section so that one member serves for a term of two years,  
 31 one member serves for a term of three years, and one member serves for a  
 1 term of four years. Succeeding appointments shall be for terms of four  
 2 years and shall be made in the same manner as the original appointments.  
 3 The terms of the members shall begin on October 1 of the year in which  
 4 they are appointed unless appointed to fill a vacancy. Appointments to  
 5 fill a vacancy, occurring other than by the expiration of a term of  
 6 office, shall be made for the unexpired term of the member whose office  
 7 is vacated.  
 8 Sec. 3. Original section 55-601, Revised Statutes Cumulative  
 9 Supplement, 2018, is repealed.

(Signed) Tom Brewer, Chairperson

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

Senator Bolz filed the following amendment to LB600:  
 AM1241 is available in the Bill Room.

**GENERAL FILE**

**LEGISLATIVE BILL 334A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 356.** Title read. Considered.

Committee AM731, found on page 952, was offered.

The Wayne amendment, FA38, found on page 1016, was withdrawn.

Senator Friesen offered his amendment, AM1167, found on page 1106, to the committee amendment.

The Friesen amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 6.** Title read. Considered.

Committee AM381, found on page 629, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 524.** Title read. Considered.

Senator Dorn offered his amendment, AM332, found on page 829.

The Wayne amendment, FA39, found on page 1016, to the Dorn amendment, was withdrawn.

The Dorn amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 428.** The Wayne motion, MO40, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was withdrawn.

Title read. Considered.

Committee AM758, found on page 1009, was offered.

Senator M. Hansen offered the following amendment to the committee amendment:

FA41

Amend AM758

Strike Section 1 and Section 3.

The M. Hansen amendment was adopted with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

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

Enrollment and Review

**LEGISLATIVE BILL 23.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Lathrop filed the following amendment to LB538: AM1267 is available in the Bill Room.

#### **GENERAL FILE**

**LEGISLATIVE BILL 31.** Title read. Considered.

Committee AM1169, found on page 1051, was offered.

Senator Kolterman offered his amendment, AM1247, found on page 1106, to the committee amendment.

#### **SPEAKER SCHEER PRESIDING**

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

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 31A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 638.** Title read. Considered.

Committee AM800, found on page 974, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 698.** Title read. Considered.

Committee AM554, found on page 824, was offered.

Senator Bostelman offered his amendment, AM911, found on page 1073, to the committee amendment.

The Bostelman amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

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

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

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

Senator M. Hansen name added to LB626.

#### **VISITOR(S)**

Visitors to the Chamber were students and teachers from Oak View Elementary School, Omaha; and students and teachers from Faith Christian School, Kearney.

**ADJOURNMENT**

At 4:31 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SEVENTH DAY - APRIL 10, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 10, 2019

**PRAYER**

The prayer was offered by Pastor William Ramage, Nebraska City Baptist Church.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Friesen, Groene, M. Hansen, Linehan, Morfeld, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**SPEAKER SCHEER PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 227.** Senator Hughes renewed his amendment, AM1209, found on page 1084 and considered on pages 1096 and 1097, to the committee amendment.

Senator Hughes withdrew his amendment.

Senator Hughes withdrew his amendment, AM1201, found on page 1085.

Senator Hughes offered the following amendment to the committee amendment:

AM1274

(Amendments to Standing Committee amendments, AM746)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:

4 Section 1. Section 2-4401, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 2-4401 Sections 2-4401 to 2-4404 and sections 3, 4, and 5 of this  
7 act shall be known and may be cited as the Nebraska Right to Farm Act.

8 Sec. 2. Section 2-4403, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 2-4403 A farm or farm operation or a public grain warehouse or  
11 public grain warehouse operation shall not be found to be a public or  
12 private nuisance if:

13 (1) ~~The~~ the farm or farm operation or public grain warehouse or  
14 public grain warehouse operation existed before a change in the land use  
15 or occupancy of land in and about the locality of such farm or farm  
16 operation or public grain warehouse or public grain warehouse operation  
17 and before such change in land use or occupancy of land the farm or farm  
18 operation or public grain warehouse or public grain warehouse operation  
19 would not have been a nuisance; -

20 (2) The farm or farm operation or public grain warehouse or public  
21 grain warehouse operation employs reasonable techniques to mitigate  
22 negative effects on the property of others, including, but not limited  
23 to, reasonable techniques to keep dust, noise, insects, and odors at a  
24 minimum; and

25 (3) The farm or farm operation or public grain warehouse or public  
26 grain warehouse operation is in compliance with applicable laws and  
1 regulations, including any zoning regulations of a local governing body.

2 Sec. 3. A farm or farm operation or public grain warehouse or  
3 public grain warehouse operation shall not be found to be a public or  
4 private nuisance after two years following the established date of  
5 operation. For purposes of this section, established date of operation  
6 means the date on which a farm or farm operation or public grain  
7 warehouse or public grain warehouse operation commences operation, except  
8 that if the farm or farm operation or public grain warehouse or public  
9 grain warehouse operation undergoes any subsequent change, including any  
10 of the following, the date of such change shall be deemed the established  
11 date of operation for such change:

12 (1) The conversion from one type of farm or farm operation or public  
13 grain warehouse or public grain warehouse operation to another type of  
14 farm or farm operation or public grain warehouse or public grain  
15 warehouse operation;

16 (2) A change in ownership or size of the farm or farm operation or  
17 public grain warehouse or public grain warehouse operation;

18 (3) The enrollment, reduction, or cessation of participation in a  
19 government program by the farm or farm operation or public grain  
20 warehouse or public grain warehouse operation; or

21 (4) Adoption of new technology by the farm or farm operation or  
22 public grain warehouse or public grain warehouse operation.

23 Sec. 4. For a period of two years after the established date of  
24 operation as described in section 3 of this act, there is a rebuttable  
25 presumption that a farm or farm operation or public grain warehouse or  
26 public grain warehouse operation is not a public or private nuisance.

27 Sec. 5. Section 2-4404, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:  
 29 ~~2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404~~  
 30 shall not affect the application of state and federal statutes.  
 31 Sec. 6. Original sections 2-4401, 2-4403, and 2-4404, Reissue  
 1 Revised Statutes of Nebraska, are repealed.

Senator Chambers offered the following motion:

MO60

Recommit to the Agriculture Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Hughes withdrew his amendment, AM1274.

Senator Hughes offered the following amendment to the committee amendment:

AM1287

(Amendments to Standing Committee amendments, AM746)

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

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

3 sections:

4 Section 1. Section 2-4401, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 2-4401 Sections 2-4401 to 2-4404 and sections 3 and 4 of this act

7 shall be known and may be cited as the Nebraska Right to Farm Act.

8 Sec. 2. Section 2-4403, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 2-4403 A farm or farm operation or a public grain warehouse or

11 public grain warehouse operation shall not be found to be a public or

12 private nuisance if:

13 (1) The the farm or farm operation or public grain warehouse or

14 public grain warehouse operation existed before a change in the land use

15 or occupancy of land in and about the locality of such farm or farm

16 operation or public grain warehouse or public grain warehouse operation

17 and before such change in land use or occupancy of land the farm or farm

18 operation or public grain warehouse or public grain warehouse operation

19 would not have been a nuisance; -

20 (2) The farm or farm operation or public grain warehouse or public

21 grain warehouse operation employs reasonable techniques to mitigate

22 negative effects on the property of others, including, but not limited

23 to, reasonable techniques to keep dust, noise, insects, and odors at a

24 minimum; and

25 (3) The farm or farm operation or public grain warehouse or public

26 grain warehouse operation is in compliance with applicable laws and

1 regulations, including any zoning regulations of a local governing body.

2 Sec. 3. A farm or farm operation or public grain warehouse or

3 public grain warehouse operation shall not be found to be a public or

4 private nuisance after two years following the established date of

5 operation, including as modified by any subsequent change as provided in  
6 this section. For purposes of this section, established date of operation  
7 means the date on which a farm or farm operation or public grain  
8 warehouse or public grain warehouse operation commences operation, except  
9 that if the farm or farm operation or public grain warehouse or public  
10 grain warehouse operation undergoes any subsequent change, including any  
11 of the following, the date of such change shall be deemed the established  
12 date of operation for such change:

13 (1) The conversion from one type of farm or farm operation or public  
14 grain warehouse or public grain warehouse operation to another type of  
15 farm or farm operation or public grain warehouse or public grain  
16 warehouse operation;

17 (2) A change in ownership or size of the farm or farm operation or  
18 public grain warehouse or public grain warehouse operation;

19 (3) The enrollment, reduction, or cessation of participation in a  
20 government program by the farm or farm operation or public grain  
21 warehouse or public grain warehouse operation; or

22 (4) Adoption of new technology by the farm or farm operation or  
23 public grain warehouse or public grain warehouse operation.

24 Sec. 4. Section 2-4404, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404~~  
27 shall not affect the application of state and federal statutes.

28 Sec. 5. Original sections 2-4401, 2-4403, and 2-4404, Reissue  
29 Revised Statutes of Nebraska, are repealed.

Pending.

#### **VISITOR(S)**

Visitors to the Chamber were students and Senator Quick's granddaughter, Amaya Quick, from St. Pius X/St. Leo School, Omaha.

#### **RECESS**

At 11:38 a.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

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

#### **ROLL CALL**

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

**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 330.** Placed on General File with amendment. AM979 is available in the Bill Room.

(Signed) Mike Hilgers, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 227.** The Hughes amendment, AM1287, found in this day's Journal, to the committee amendment, was renewed.

Senator Hughes offered the following motion:  
MO61

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

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

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Scheer
Arch	DeBoer	Halloran	Lindstrom	Slama
Blood	Dorn	Hansen, B.	Linehan	Stinner
Bostelman	Erdman	Hilgers	Lowe	Walz
Brandt	Friesen	Hilkemann	McDonnell	Wayne
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 11:

Cavanaugh	Howard	Lathrop	Quick
Chambers	Hunt	McCollister	Vargas
Hansen, M.	Kolowski	Pansing Brooks	

Present and not voting, 2:

Crawford	Wishart
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Excused and not voting, 2:

Bolz	Morfeld
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The Hughes motion to invoke cloture prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on the Hughes amendment to the committee amendment.

Voting in the affirmative, 36:

Albrecht	DeBoer	Hansen, B.	McCollister	Walz
Arch	Dorn	Hilgers	McDonnell	Wayne
Blood	Erdman	Hilkemann	Moser	Williams
Bostelman	Friesen	Hughes	Murman	Wishart
Brandt	Geist	Kolterman	Pansing Brooks	
Brewer	Gragert	La Grone	Scheer	
Briese	Groene	Lindstrom	Slama	
Clements	Halloran	Lowe	Stinner	

Voting in the negative, 2:

Chambers      Hunt

Present and not voting, 9:

Cavanaugh	Hansen, M.	Kolowski	Linehan	Vargas
Crawford	Howard	Lathrop	Quick	

Excused and not voting, 2:

Bolz              Morfeld

The Hughes amendment was adopted with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, AM746, as amended, was adopted with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 31:

Albrecht	Clements	Groene	La Grone	Slama
Arch	DeBoer	Halloran	Lindstrom	Stinner
Blood	Dorn	Hansen, B.	Lowe	Williams
Bostelman	Erdman	Hilgers	McDonnell	
Brandt	Friesen	Hilkemann	Moser	
Brewer	Geist	Hughes	Murman	
Briese	Gragert	Kolterman	Scheer	

Voting in the negative, 7:

Chambers	Hunt	Pansing Brooks	Wishart
Hansen, M.	Lathrop	Quick	

Present and not voting, 9:

Cavanaugh	Howard	Linehan	Vargas	Wayne
Crawford	Kolowski	McCollister	Walz	

Excused and not voting, 2:

Bolz	Morfeld
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Advanced to Enrollment and Review Initial with 31 ayes, 7 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 177.** Placed on Select File.

**LEGISLATIVE BILL 252.** Placed on Select File with amendment.

ER71

1 1. On page 1, line 1, strike "state lottery" and insert "State  
2 Lottery Act".

**LEGISLATIVE BILL 304.** Placed on Select File with amendment.

ER73

1 1. On page 2, line 16, strike "deliver" and insert "delivery".  
2 2. On page 1, strike lines 2 through 4 and insert "sections 81-2,239  
3 and 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt  
4 certain operations from the definition of a food establishment as  
5 prescribed; to require registration of certain operations; to harmonize  
6 provisions; and to repeal the original sections.".

(Signed) Julie Slama, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 616.** Title read. Considered.

Committee AM442, found on page 572, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Hilgers withdrew his amendment, AM203, found on page 459.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**MOTION(S) - Confirmation Report(s)**

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1081 and 1082:

Stem Cell Research Advisory Committee  
Alysson R. Muotri

Voting in the affirmative, 37:

Arch	Crawford	Hansen, B.	Linehan	Scheer
Blood	DeBoer	Hansen, M.	Lowe	Slama
Bolz	Dorn	Hilgers	McCollister	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Friesen	Howard	Moser	Wishart
Brewer	Geist	Hughes	Murman	
Cavanaugh	Gragert	Hunt	Pansing Brooks	
Clements	Groene	Kolowski	Quick	

Voting in the negative, 0.

Present and not voting, 11:

Albrecht	Halloran	Lathrop	Vargas
Briese	Kolterman	Lindstrom	Williams
Chambers	La Grone	Stinner	

Excused and not voting, 1:

Morfeld

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1085:

Nebraska Power Review Board  
Frank Reida

Voting in the affirmative, 40:

Albrecht	Crawford	Hilgers	Linehan	Scheer
Blood	DeBoer	Hilkemann	Lowe	Slama
Bostelman	Dorn	Howard	McCollister	Stinner
Brandt	Erdman	Hughes	McDonnell	Vargas
Brewer	Friesen	Kolowski	Moser	Walz
Cavanaugh	Geist	Kolterman	Murman	Wayne
Chambers	Gragert	La Grone	Pansing Brooks	Williams
Clements	Hansen, B.	Lindstrom	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Groene	Hansen, M.	Lathrop
Briese	Halloran	Hunt	

Excused and not voting, 2:

Arch	Morfeld
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The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1086:

Nebraska Game and Parks Commission  
Robert E. Allen

Voting in the affirmative, 36:

Albrecht	Erdman	Kolowski	Moser	Walz
Blood	Geist	Kolterman	Murman	Wayne
Bostelman	Gragert	La Grone	Pansing Brooks	Williams
Brandt	Hansen, B.	Lindstrom	Quick	Wishart
Cavanaugh	Hilgers	Lowe	Scheer	
Chambers	Hilkemann	McCollister	Slama	
Clements	Howard	McDonnell	Stinner	
Crawford	Hughes	Morfeld	Vargas	

Voting in the negative, 0.

Present and not voting, 12:

Bolz	DeBoer	Groene	Hunt
Brewer	Dorn	Halloran	Lathrop
Briese	Friesen	Hansen, M.	Linehan

Excused and not voting, 1:

Arch

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1085:

Nebraska Game and Parks Commission  
John M. Hoggatt

Voting in the affirmative, 38:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	Moser	Walz
Bostelman	Geist	Hunt	Murman	Wayne
Brandt	Gragert	Kolowski	Pansing Brooks	Williams
Brewer	Hansen, B.	Kolterman	Quick	Wishart
Chambers	Hansen, M.	La Grone	Scheer	
Clements	Hilgers	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Briese	DeBoer	Groene	Lathrop	McDonnell
Cavanaugh	Friesen	Halloran	Linehan	Morfeld

Excused and not voting, 1:

Arch

The appointment was confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 320.** ER61, found on page 999, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 603.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 713.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 316.** ER59, found on page 999, was adopted.

Senator Kolterman offered his amendment, AM1187, found on page 1061.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 14CA.** Senator Groene offered the following amendment:

AM1255

- 1 1. On page 1, line 23, after "if" insert ", due to a high rate of
- 2 unemployment combined with a high poverty rate as determined by law.".

The Groene amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 390.** ER58, found on page 999, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 472.** ER66, found on page 1095, was adopted.

Senator Lowe offered the following amendment:

AM1223

(Amendments to E&R amendments, ER66)

- 1 1. On page 1, strike beginning with "upon" in line 9 through
- 2 "members" in line 11 and insert "by resolution"; and in line 16 after the
- 3 period insert "The power to impose a sales and use tax under this section
- 4 shall not be exercised unless and until the question has been submitted
- 5 at a primary, general, or special election held within the county which
- 6 would be subject to the tax and in which all registered voters are
- 7 entitled to vote on such question. The county board shall order the
- 8 submission of the question by submitting a certified copy of the
- 9 resolution proposing the tax to the election commissioner or county
- 10 clerk. If a majority of the votes cast upon the question are in favor of
- 11 the tax, the county board may impose the tax. If a majority of those
- 12 voting on the question are opposed to the tax, the county board shall not
- 13 impose the tax. Any election under this section shall be conducted in
- 14 accordance with the procedures provided in the Election Act.".

Senator Lowe moved for a call of the house. The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Senator Lowe requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bolz	Clements	Hansen, B.	La Grone	Slama
Bostelman	Geist	Hilgers	Lowe	

Voting in the negative, 22:

Blood	DeBoer	Hilkemann	McCollister	Stinner
Brandt	Dorn	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Murman	
Cavanaugh	Gragert	Kolowski	Pansing Brooks	
Chambers	Hansen, M.	Kolterman	Scheer	

Present and not voting, 17:

Albrecht	Groene	Lindstrom	Quick	Wishart
Briese	Halloran	Linehan	Vargas	
Crawford	Howard	McDonnell	Walz	
Erdman	Lathrop	Moser	Wayne	

Excused and not voting, 1:

Arch

The Lowe amendment lost with 9 ayes, 22 nays, 17 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 268.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 352.** ER65, found on page 1095, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 218.** ER60, found on page 999, was adopted.

Senator Lindstrom offered his amendment, AM1137, found on page 1068.

The Lindstrom amendment was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 59.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 514.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 87.** ER62, found on page 1024, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 212.** ER63, found on page 1091, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 15.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 637.** ER64, found on page 1091, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 585.** Title read. Considered.

Committee AM953, found on page 982, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1257

(Amendments to Standing Committee amendments, AM953)

1 1. Insert the following new amendment:

2 3. On page 4, line 19, strike "1"; and strike lines 28 through 30.

The Friesen amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 184.** Placed on General File with amendment.  
AM1252 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

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

Senator Lathrop filed the following amendment to LB538:  
AM1278

(Amendments to Standing Committee amendments, AM900)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. Section 28-1107, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 28-1107 (1) A person commits the offense of possession of a gambling
- 7 device if he or she manufactures, sells, transports, places, possesses,
- 8 or conducts or negotiates any transaction affecting or designed to affect
- 9 ownership, custody, or use of any gambling device, knowing that it shall
- 10 be used in the advancement of unlawful gambling activity.
- 11 (2) The owner or operator of a retail establishment who is not a
- 12 manufacturer, distributor, or seller of mechanical amusement devices as
- 13 defined under the Mechanical Amusement Device Tax Act, shall have an
- 14 affirmative defense to possession of a gambling device described in
- 15 subsection (1) of this section if the device bears an unexpired
- 16 mechanical amusement device decal as required by such act. However, such
- 17 affirmative defense may be overcome if the owner or operator had actual
- 18 knowledge that operation of the device constituted unlawful gambling
- 19 activity at any time such device was operated on the premises of the
- 20 retail establishment.
- 21 (2) ~~This section shall not apply to any coin-operated mechanical~~
- 22 ~~gaming device, computer gaming device, electronic gaming device, or video~~
- 23 ~~gaming device which has the capability of awarding free games, which is~~
- 24 ~~intended to be played and is in fact played for amusement only, and which~~
- 25 ~~may allow the player the right to replay such gaming device at no~~
- 26 ~~additional cost, which right to replay shall not be considered money or~~
- 1 ~~property, except that such mechanical game (a) can be discharged of~~
- 2 ~~accumulated free replays only by reactivating the game for one additional~~
- 3 ~~play for each accumulated free replay and (b) makes no permanent record~~
- 4 ~~directly or indirectly of free replays so awarded.~~
- 5 (3) Notwithstanding any other provisions of this section, any
- 6 mechanical game or device classified by the federal government as an
- 7 illegal gambling device and requiring a federal Gambling Device Tax Stamp
- 8 as required by the Internal Revenue Service in its administration of 26
- 9 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are
- 10 hereby declared to be illegal ~~and excluded from the exemption granted in~~
- 11 ~~this section.~~

12 ~~(4) (3)~~ Possession of a gambling device is a Class II misdemeanor.  
13 Sec. 2. Section 77-3001, Reissue Revised Statutes of Nebraska, is  
14 amended to read:  
15 77-3001 For purposes of the Mechanical Amusement Device Tax Act,  
16 unless the context otherwise requires:  
17 (1) Cash device means any mechanical amusement device capable of  
18 awarding (a) cash, (b) anything redeemable for cash, (c) gift cards,  
19 credit, or other instruments which have a value denominated by reference  
20 to an amount of currency, or (d) anything redeemable for anything  
21 described in subdivision (c) of this subdivision;  
22 (2) Department means the Department of Revenue;  
23 (3) Distributor means any person who sells, leases, or delivers  
24 possession or custody of a machine or mechanical device to operators  
25 thereof for a consideration either directly or indirectly received;  
26 (4) Mechanical amusement device means any machine which, upon  
27 insertion of a coin, currency, credit card, or substitute into the  
28 machine, operates or may be operated or used for a game, contest, or  
29 amusement of any description, such as, by way of example, but not by way  
30 of limitation, pinball games, shuffleboard, bowling games, radio-ray  
31 rifle games, baseball, football, racing, boxing games, electronic video  
1 games of skill, and coin-operated pool tables. Mechanical amusement  
2 device also includes game and draw lotteries and coin-operated automatic  
3 musical devices. Mechanical amusement device does not mean vending  
4 machines which dispense tangible personal property, devices located in  
5 private homes for private use, pickle card dispensing devices which are  
6 required to be registered with the department pursuant to section  
7 9-345.03, or devices which are mechanically constructed in a manner that  
8 would render their operation illegal under the laws of the State of  
9 Nebraska;  
10 (5) Operator means any person who operates a place of business in  
11 which a machine or device owned by him or her is physically located or  
12 any person who places and who either directly or indirectly controls or  
13 manages any machine or device;  
14 ~~(6) (1)~~ Person means an individual, partnership, limited liability  
15 company, society, association, joint-stock company, corporation, estate,  
16 receiver, lessee, trustee, assignee, referee, or other person acting in a  
17 fiduciary or representative capacity, whether appointed by a court or  
18 otherwise, and any combination of individuals;  
19 ~~(2) Mechanical amusement device means any machine which, upon~~  
20 ~~insertion of a coin, currency, credit card, or substitute into the~~  
21 ~~machine, operates or may be operated or used for a game, contest, or~~  
22 ~~amusement of any description, such as, by way of example, but not by way~~  
23 ~~of limitation, pinball games, shuffleboard, bowling games, radio ray~~  
24 ~~rifle games, baseball, football, racing, boxing games, and coin-operated~~  
25 ~~pool tables. Mechanical amusement device also includes game and draw~~  
26 ~~lotteries and coin-operated automatic musical devices. The term does not~~  
27 ~~mean vending machines which dispense tangible personal property, devices~~  
28 ~~located in private homes for private use, pickle card dispensing devices~~  
29 ~~which are required to be registered with the Department of Revenue~~  
30 ~~pursuant to section 9-345.03, or devices which are mechanically~~

31 ~~constructed in a manner that would render their operation illegal under~~  
1 ~~the laws of the State of Nebraska;~~

2 ~~(3) Operator means any person who operates a place of business in~~  
3 ~~which a machine or device owned by him or her is physically located or~~  
4 ~~any person who places and who either directly or indirectly controls or~~  
5 ~~manages any machine or device;~~

6 ~~(4) Distributor means any person who sells, leases, or delivers~~  
7 ~~possession or custody of a machine or mechanical device to operators~~  
8 ~~thereof for a consideration either directly or indirectly received;~~

9 ~~(7) (5) Whenever in the act, the words machine or device are used,~~  
10 ~~they refer to mechanical amusement device; and~~

11 ~~(8) Whenever in the act, the words electronic video games of skill,~~  
12 ~~games of skill, or skill-based devices are used, they refer to mechanical~~  
13 ~~amusement devices which produce an outcome predominantly caused by skill~~  
14 ~~and not chance; and~~

15 ~~(9) (6) Whenever in the act, the words machine, device, person,~~  
16 ~~operator, or distributor are used, the words in the singular include the~~  
17 ~~plural and in the plural include the singular.~~

18 Sec. 3. (1)(a) The Tax Commissioner or his or her agents or  
19 employees, at the direction of the Tax Commissioner, or any peace officer  
20 of this state may seize, without a warrant, any mechanical amusement  
21 device if there is cause to believe such device is not in compliance with  
22 the Mechanical Amusement Device Tax Act or any rules and regulations  
23 adopted and promulgated under the act or if the department determines the  
24 response to a request for information is materially deficient without  
25 good cause. In addition to seizure, any person placing in service or  
26 operating a device constituting a game of chance within this state shall  
27 be subject to a penalty of one thousand dollars for each day of such  
28 operation.

29 (b) For purposes of this subsection, a mechanical amusement device  
30 is subject to seizure and penalties as if it were a game of chance if:

31 (i) The mechanical amusement device is a cash device; and

1 (ii) The mechanical amusement device does not bear an unexpired  
2 decal as required under the Mechanical Amusement Device Tax Act.

3 (c) This section does not apply to any device (i) used in any bingo,  
4 lottery by the sale of pickle cards, or other lottery, raffle, or gift  
5 enterprise conducted in accordance with the Nebraska Bingo Act, Nebraska  
6 County and City Lottery Act, Nebraska Lottery and Raffle Act, Nebraska  
7 Pickle Card Lottery Act, Nebraska Small Lottery and Raffle Act, State  
8 Lottery Act, or section 9-701, (ii) used for a prize contest as defined  
9 in section 28-1101, or (iii) specifically authorized by the laws of this  
10 state.

11 (2) To receive a determination from the department that a cash  
12 device is in compliance with the Mechanical Amusement Device Tax Act and  
13 any rules and regulations adopted and promulgated under the act, a  
14 manufacturer or distributor of the device shall:

15 (a) Submit an application to the Tax Commissioner containing  
16 information regarding the device's location, software, Internet  
17 connectivity, and configuration as may be required by the Tax  
18 Commissioner;

19 (b) Submit an application fee of five hundred dollars;  
20 (c) Provide a specimen of the proposed device;  
21 (d) Provide all supporting evidence, including a report by an  
22 independent testing authority preapproved by the Tax Commissioner, to the  
23 Tax Commissioner indicating that, under all configurations, settings, and  
24 modes of operation, operation of the device constitutes a game of skill  
25 and not a game of chance and the use, operation, sale, or manufacture of  
26 the device would not constitute a violation of section 28-1107; and  
27 (e) Provide an affidavit from the distributor affirming that no  
28 functional changes in hardware or software will be made to the approved  
29 device without further approval from the Tax Commissioner.  
30 (3) The Tax Commissioner shall issue a response in writing to the  
31 applicant within forty-five days after the applicant has completed and  
1 submitted all application requirements. The Tax Commissioner's response  
2 shall state the reason for any denial or the reasons a determination  
3 cannot be made.  
4 (4)(a) A device shall not be considered a game of skill if one or  
5 more of the following apply:  
6 (i) The ability of any player to succeed at the game played on the  
7 device is impacted by the number or ratio of prior wins to prior losses  
8 of players playing such device;  
9 (ii) The ability of the player to succeed at the game played on the  
10 device is impacted by the ability of any person to set a specified win-  
11 loss ratio for the device or by the device having a predetermined win-  
12 loss percentage;  
13 (iii) The outcome of the game played on the device can be controlled  
14 by a source other than any player playing the device;  
15 (iv) The success of any player is or may be determined by a chance  
16 event which cannot be altered by player action;  
17 (v) There is no possibility for the player to win every game played  
18 on the device or there are unwinnable games or game modes on the device;  
19 (vi) The ability of any player to succeed at the game played on the  
20 device requires the exercise of skill that no reasonable player could  
21 exercise; or  
22 (vii) The primary determination of the prize amount is determined by  
23 the presentation or generation of a particular puzzle or group of symbols  
24 dealt to the player and the player does not have control over the puzzle  
25 or group of symbols presented.  
26 (b) For purposes of this subsection, reasonable player means a  
27 player with an average level of intelligence, physical and mental skills,  
28 reaction time, and dexterity.  
29 (5) The department or any court considering whether a gambling  
30 device is a game of skill may consider:  
31 (a) The results of an analysis by any independent testing authority  
1 preapproved by the Tax Commissioner to evaluate the reaction time  
2 required for a player of a particular game on such device to perform the  
3 tasks required by the game to win; or  
4 (b) The results of an analysis by any independent testing authority  
5 preapproved by the Tax Commissioner to evaluate factors set forth by the  
6 Tax Commissioner, other than reaction time, required for the player of a

7 particular game on such device to perform the tasks required by the game  
8 to win.

9 (6) Factors which are not sufficient indications of a skill-based  
10 game include, but are not limited to:

11 (a) Whether a comprehensive list of prizes or outcomes is offered to  
12 the player or whether all outcomes are drawn from a finite pool of  
13 predetermined outcomes or starting positions;

14 (b) Whether a player can increase his or her chance of winning based  
15 on knowledge of probabilities in general or the probabilities of any  
16 particular prize or outcome in a game or on a device;

17 (c) Whether a player can simply choose not to play before committing  
18 money or credits; or

19 (d) A game task consisting solely of moving a symbol up or down,  
20 replacing one symbol with another, or any similar action, with or without  
21 a timer.

22 (7) Upon approval of an application based on a determination that  
23 the mechanical amusement device is a game of skill and not a game of  
24 chance, the Tax Commissioner shall issue a mechanical amusement device  
25 decal for the device as configured and as provided in subsection (8) of  
26 this section. No mechanical amusement device decal shall be issued for  
27 any cash device unless the department has determined that such device is  
28 a game of skill and not a game of chance and that the manufacture, sale,  
29 transport, placement, possession, or operation of such device does not  
30 constitute a violation of section 28-1107. If the Tax Commissioner does  
31 not approve the application for the device, the application shall be  
1 denied and the operator shall have the opportunity for an administrative  
2 hearing before the Tax Commissioner at which evidence may be presented on  
3 the issue of whether the device is specifically authorized by law and is  
4 not a gambling device as defined in section 28-1101. After such hearing,  
5 the Tax Commissioner shall enter a final decision approving or denying  
6 the application. The Tax Commissioner's final decision may be appealed,  
7 and the appeal shall be in accordance with the Administrative Procedure  
8 Act.

9 (8)(a) Upon approval of a specimen of a mechanical amusement device  
10 as a game of skill under this section, the department may issue a  
11 mechanical amusement device decal for each such device;

12 (i) If certified by the manufacturer to be functionally identical in  
13 both hardware and software configurations to the specimen provided to the  
14 department; and

15 (ii) If the application fee described in subdivision (2)(b) of this  
16 section and the annual decal fee described in subdivision (b) of this  
17 subsection have been paid.

18 (b) The owner or operator of a cash device shall pay an annual decal  
19 fee of two hundred fifty dollars to the department for each device in  
20 operation in Nebraska. The decal issued under this section shall be  
21 distinct from other decals issued by the department for mechanical  
22 amusement devices that are not required to be evaluated under this  
23 section. Regardless of the issuance of a decal by the department, no  
24 device shall be considered in compliance if it does not bear an unexpired  
25 decal in a conspicuous place.

26 (9) The application process described in this section shall not be  
 27 construed to limit further investigation by the department or the  
 28 issuance of further regulations to promote compliance after the  
 29 application process is completed. At any point after a determination of  
 30 skill by the department, the department may request from the  
 31 manufacturer, distributor, or operator information about any device in  
 1 operation in this state, including, but not limited to, information  
 2 regarding currently operable source code, changes to software or  
 3 hardware, and communications from or to the device over the Internet. A  
 4 manufacturer, distributor, or operator that receives a request shall  
 5 respond with all responsive information in its possession or control  
 6 within fifteen business days.

7 Sec. 4. Section 77-3006, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 77-3006 The administration of the Mechanical Amusement Device Tax  
 10 Act provisions of sections 77-3001 to 77-3011 is hereby vested in the Tax  
 11 Commissioner ~~of the State of Nebraska~~ subject to other provisions of law  
 12 relating to the Tax Commissioner. The Tax Commissioner may prescribe,  
 13 adopt and promulgate, and enforce rules and regulations relating to the  
 14 administration and enforcement of ~~the act~~ the provisions of sections  
 15 77-3001 to 77-3011, and may delegate authority to his or her  
 16 representatives to conduct hearings, or perform any other duties imposed  
 17 under the act. The Tax Commissioner may adopt and promulgate rules and  
 18 regulations necessary to carry out section 3 of this act ~~provisions of~~  
 19 ~~sections 77-3001 to 77-3011.~~

20 Sec. 5. Section 77-3007, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 77-3007 (1) The payment of the tax imposed by the Mechanical  
 23 Amusement Device Tax Act ~~provisions of sections 77-3001 to 77-3011~~ shall  
 24 be evidenced by a separate decal for each device signifying payment of  
 25 the tax, in a form prescribed by the Tax Commissioner.

26 (2) Every operator shall place such decal in a conspicuous place on  
 27 each device to denote payment of the tax for each device for the current  
 28 year.

29 Sec. 6. Section 77-3008, Reissue Revised Statutes of Nebraska, is  
 30 amended to read:

31 77-3008 Nothing in ~~the Mechanical Amusement Device Tax Act~~ sections  
 1 ~~77-3001 to 77-3011~~ shall be construed to limit, usurp, or repeal any  
 2 power to tax granted to the political subdivisions and municipalities of  
 3 the State of Nebraska by the laws and Constitution of ~~the State of~~  
 4 Nebraska.

5 Sec. 7. Section 77-3010, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 77-3010 Prosecutions for any violations of the Mechanical Amusement  
 8 Device Tax Act ~~sections 77-3001 to 77-3011~~ shall be brought by the  
 9 Attorney General or county attorney in the county in which the violation  
 10 occurs. Any prosecution for the violation of any of the provisions of the  
 11 act ~~sections 77-3001 to 77-3011~~ shall be instituted within three years  
 12 after the commission of the offense.

13 Sec. 8. Section 77-3011, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 77-3011 Sections 77-3001 to 77-3011 and section 3 of this act shall

16 be known and may be cited as the Mechanical Amusement Device Tax Act.

17 Sec. 9. This act becomes operative on January 1, 2020.

18 Sec. 10. Original sections 28-1107, 77-3001, 77-3006, 77-3007,

19 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, are

20 repealed.

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 83. Introduced by Hansen, B., 16.

WHEREAS, Bernard Chris Hunke, known in his community as someone always willing to help, died February 9, 2019, in rural West Point; and

WHEREAS, Bernie was born in West Point to Hilbert and Joan Hunke on November 15, 1965, attended Pebble Valley School, and graduated from West Point Central Catholic High School in 1984; and

WHEREAS, Bernie served in the United States Air Force from 1986 until his retirement in 2008; and

WHEREAS, Bernie returned to his home town of West Point after military retirement and served as the Cuming County Veterans Service Officer and Emergency Manager; and

WHEREAS, Bernie met his wife, Lisa Turner, while stationed at Little Rock Air Force base in Little Rock, Arkansas. The couple later had four daughters and five grandchildren; and

WHEREAS, Bernie was a member of St. Mary's Catholic Church in West Point, Knights of Columbus Council #2272, American Legion Post #70, Veterans of Foreign Wars Post #4912 of West Point, and Beemer American Legion Riders Post #159; and

WHEREAS, Bernie served for the last ten years on the West Point Volunteer Fire Department and was recently awarded 2018 Fireman of the Year; and

WHEREAS, Bernie volunteered for the last twelve years as caretaker of St. Boniface Cemetery where he has since been buried; and

WHEREAS, Bernie served as co-chair of the planning committee dedicated to the funding, development, and construction of American Veterans Park, a memorial designed to honor God, country, veterans, and their families. The park is located in West Point and was dedicated on Veterans Day 2018; and

WHEREAS, Bernie personified the Air Force values in all he did: Integrity First, Service before Self, and Excellence.

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

1. That the Legislature honors Bernard Hunke for his dedication to State and Country.

2. That the Legislature extends its condolences to the family of Bernard Hunke.

3. That a copy of this resolution be sent to the family of Bernard Hunke.

Laid over.

**VISITOR(S)**

Visitors to the Chamber were students from Standing Bear Elementary School, Omaha; students and faculty from Chadron State College, Creighton University, the Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University at Lincoln and Omaha, Union College, and the University of Nebraska at Kearney; and Aviv Ezra, the Consul General of Israel to the Midwest, and Alan Potash, the CEO of the Jewish Federation of Omaha.

**ADJOURNMENT**

At 4:38 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-EIGHTH DAY - APRIL 11, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 11, 2019

**PRAYER**

The prayer was offered by Pastor Ken Miller, St. Paul Lutheran Church, Auburn.

**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 Bolz, DeBoer, B. Hansen, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 10, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Baird Holm LLP  
Nebraska State College System  
Martin, George E.  
Baird Holm LLP

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 77 and 78 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 77 and 78.

**MOTION(S) - Return LB34 to Select File**

Senator Chambers moved to return LB34 to Select File for the following specific amendment:

FA43

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 41 ayes, 6 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 34. With Emergency Clause.**

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320, 23-2321, 23-2331, 79-901, 79-927, 79-956, 79-971, 79-9,106, 84-1321.01, 84-1322, 84-1323, and 84-1331, Reissue Revised Statutes of Nebraska, and sections 23-2306, 23-2308.01, 23-2317, 23-2319.01, 79-902, 79-921, 79-934, 79-978.01, 79-9,100, 84-1307, 84-1309.02, 84-1319, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to reemployment, reinstatement, repayment, and age eligibility regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act; to redefine creditable service for certain member employees, change a deadline for payment for restoration of relinquished creditable service, and change provisions relating to required forms of payment and service credit computation under the School Employees Retirement Act; to change provisions relating to a designated beneficiary determination under the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, any school employees retirement system established under the Class V School Employees Retirement Act, and the State Employees Retirement System of the State of

Nebraska; to provide a duty for the Public Employees Retirement Board as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **MOTION(S) - Return LB243 to Select File**

Senator Chambers moved to return LB243 to Select File for the following specific amendment:

FA44

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 243.** With Emergency Clause.

A BILL FOR AN ACT relating to soil; to amend section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018; to create the Healthy Soils Task Force; to provide powers and duties; to require a report; to provide for termination; to add a use for the Fertilizers and Soil Conditioners

Administrative Fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hansen, M.	Lowe	Slama
Arch	Clements	Hilkemann	McCollister	Stinner
Blood	Crawford	Howard	McDonnell	Vargas
Bolz	DeBoer	Hughes	Morfeld	Walz
Bostelman	Dorn	Kolowski	Moser	Wayne
Brandt	Geist	Kolterman	Murman	Williams
Brewer	Gragert	Lathrop	Pansing Brooks	Wishart
Briese	Groene	Lindstrom	Quick	
Cavanaugh	Halloran	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Erdman	Hansen, B.	Hunt
Friesen	Hilgers	La Grone

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 449.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-178, 38-180, and 38-2894, Reissue Revised Statutes of Nebraska, and section 38-1001, Revised Statutes Cumulative Supplement, 2018; to provide for disciplinary action for performing scleral tattooing and prohibit such practice as prescribed; to define a term; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 619.**

A BILL FOR AN ACT relating to insurance; to prohibit denial of coverage for mental health services delivered in a school; to define terms; and to provide for applicability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 217.**

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1114, Reissue Revised Statutes of Nebraska; to prohibit discrimination against employees for communicating about employee wages, benefits, or other compensation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Arch	Crawford	Hilgers	Linehan	Stinner
Blood	DeBoer	Hilkemann	McCollister	Vargas
Bolz	Dorn	Howard	McDonnell	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolowski	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	
Cavanaugh	Groene	La Grone	Quick	
Chambers	Hansen, B.	Lathrop	Scheer	
Clements	Hansen, M.	Lindstrom	Slama	

Voting in the negative, 1:

Albrecht

Present and not voting, 2:

Halloran      Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB269 with 39 ayes, 5 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 269.**

A BILL FOR AN ACT relating to operator's licenses; to amend section 43-287, Reissue Revised Statutes of Nebraska, and sections 60-498.01, 60-4,118.06, 60-4,120.02, 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to

ignition interlock permits and school permits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 590.**

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2606, Revised Statutes Cumulative Supplement, 2018; to require the use of the Nebraska Early Childhood Professional Record System for documentation and verification of staff training; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB270 with 38 ayes, 6 nays, and 5 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 270.**

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1214, 37-1292, 60-3,162, 60-482, 60-4,146.01, and 60-4,155, Reissue Revised Statutes of Nebraska, and sections 37-1278, 37-1280, 37-1293, 60-119.01, 60-144, 60-149, 60-151, 60-171, 60-173, 60-174, 60-336.01, 60-386, 60-3,104.01, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,187, 60-3,221, 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-495, 60-4,118, 60-4,122, 60-4,182, 60-501, 60-628.01, and 60-6,209, Revised Statutes Cumulative Supplement, 2018; to authorize the update of electronic certificate of title records as prescribed; to change and eliminate provisions relating to applications for certificates of title, applications for registration, salvaged motorboats and vehicles, low-speed vehicles, improperly issued certificates of registration, towing of trailers, renewal of motor vehicle operators' licenses and state identification cards, commercial drivers' licenses, the point system for traffic violations, license revocations, and rules and regulations; to authorize temporary license stickers as prescribed; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 348.**

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6406, Reissue Revised Statutes of Nebraska; to adopt changes to the state building code; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Arch	Crawford	Howard	McDonnell	Vargas
Blood	DeBoer	Hughes	Morfeld	Walz
Bolz	Dorn	Hunt	Moser	Wayne
Bostelman	Friesen	Kolowski	Murman	Williams
Brandt	Geist	Kolterman	Pansing Brooks	Wishart
Brewer	Gragert	Lathrop	Quick	
Briese	Groene	Lindstrom	Scheer	
Cavanaugh	Hansen, M.	Linehan	Slama	
Chambers	Hilkemann	McCollister	Stinner	

Voting in the negative, 6:

Albrecht	Erdman	La Grone
Clements	Halloran	Lowe

Present and not voting, 2:

Hansen, B. Hilgers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 409.**

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-439, Reissue Revised Statutes of Nebraska; to adopt design standards for health care facilities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 34, 243, 449, 619, 217, 269, 590, 270, 348, and 409.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 512.** Placed on Select File with amendment.

ER76

1 1. On page 1, strike lines 2 through 17 and insert "3-150, 66-482,  
2 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-101, 77-202.03,  
3 77-377.02, 77-702, 77-1239, 77-2716.01, 77-2734.01, 77-2761, 77-2773,  
4 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised  
5 Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative  
6 Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and  
7 Collection Division of the Department of Revenue; to provide for  
8 reassessment of destroyed or damaged property; to change and eliminate  
9 provisions relating to a list of exempt real property, collection agency  
10 fees, rules and regulations, reimbursement to political subdivisions,  
11 personal exemptions, standard deductions, requirements for filing income  
12 tax returns, notices of deficiency, and homestead exemptions; to  
13 harmonize provisions; to provide operative dates; to repeal the original  
14 sections; to outright repeal section 66-738, Reissue Revised Statutes of  
15 Nebraska; and to declare an emergency."

**LEGISLATIVE BILL 334.** Placed on Select File with amendment.

ER72 is available in the Bill Room.

**LEGISLATIVE BILL 334A.** Placed on Select File.

**LEGISLATIVE BILL 356.** Placed on Select File with amendment.

ER75

1 1. In the Standing Committee amendments, AM1167:  
2 a. On page 1, line 14, strike "23" and insert "24".  
3 b. On page 11, line 28, strike beginning with "Beginning" through  
4 "when", show as stricken, and insert "When".  
5 c. On page 19, strike beginning with "Nebraska" in line 19 through  
6 "Plates" in line 20 and insert "spirit plates".  
7 d. On page 33, line 14, strike "15" and insert "24".  
8 e. On page 38, line 13, strike "19" and insert "28".  
9 f. On page 39, line 27, after "five" insert "percent".  
10 2. On page 1, strike beginning with "motor" in line 1 through line 4  
11 and insert "government; to amend sections 37-811 and 60-3,127, Reissue  
12 Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395,  
13 60-396, 60-3,100, 60-3,104, 60-3,104.01, 60-3,119, 60-3,122.03,  
14 60-3,122.04, 60-3,128, 60-3,130.04, 60-3,226, 60-3,227, 60-3,230,  
15 60-3,231, 60-3,232, 60-3,233, 60-3,234, and 60-3,235, Revised Statutes  
16 Cumulative Supplement, 2018; to provide funding for the Wildlife  
17 Conservation Fund; to change provisions relating to fee distribution, fee  
18 amounts, and semitrailers under the Motor Vehicle Registration Act; to  
19 provide powers and duties to the Department of Motor Vehicles regarding

20 discontinuance of certain license plates as prescribed; to provide for  
21 Wildlife Conservation Plates, Prostate Cancer Awareness Plates, and  
22 Sammy's Superheroes license plates; to eliminate obsolete provisions; to  
23 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 6.** Placed on Select File with amendment.

ER74

1 1. On page 1, lines 3 and 4, strike "persons on active duty and  
2 their dependents" and insert "college tuition purposes for spouses or  
3 legal dependents of persons on active duty with the armed services as  
4 prescribed".

**LEGISLATIVE BILL 524.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 303.** Placed on General File.

**LEGISLATIVE BILL 315.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 641.** Title read. Considered.

**SENATOR LINDSTROM PRESIDING**

Committee AM724, found on page 946, was adopted with 36 ayes, 0 nays,  
11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present  
and not voting, and 2 excused and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 11, 2019, at 10:30 a.m. were the  
following: LBs 34e, 243e, 449, 619, 217, 269, 590, 270, 348, and 409.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARING(S)**  
Revenue/Nebraska Retirement Systems/Education

Room 1510

Thursday, April 18, 2019 1:00 p.m.

LB289 (rehearing)

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 428.** Placed on Select File with amendment.  
ER77

- 1 1. In the Standing Committee amendments, AM758:
- 2 a. On page 8, line 19, strike "sections 48-628.13, 48-648.02, and
- 3 48-652" and insert "section 48-648.02"; and in line 20 strike "are" and
- 4 insert "is"; and
- 5 b. Renumber the remaining sections accordingly.
- 6 2. On page 1, strike beginning with "48-627" in line 2 through
- 7 "benefits" in line 3 and insert "48-648.02, Revised Statutes Cumulative
- 8 Supplement, 2018; to change provisions relating to the computation of
- 9 wages".

**LEGISLATIVE BILL 31.** Placed on Select File with amendment.  
ER79

- 1 1. On page 1, strike beginning with "the" in line 3 through line 8
- 2 and insert "Class V school employees retirement systems established under
- 3 the Class V School Employees Retirement Act to the Public Employees
- 4 Retirement Board as prescribed; to require a report; to create a fund; to
- 5 provide duties for the Public Employees Retirement Board; to provide for
- 6 reimbursement for expenses incurred in completing such work plan; to
- 7 harmonize provisions; to provide for severability; to repeal the original
- 8 sections; and to declare an emergency."

**LEGISLATIVE BILL 31A.** Placed on Select File.

**LEGISLATIVE BILL 638.** Placed on Select File with amendment.  
ER78

- 1 1. On page 1, line 4, after "a" insert "qualified".

**LEGISLATIVE BILL 698.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 663.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 138.** Title read. Considered.

Committee AM783, found on page 951, was offered.

Senator Blood offered her amendment, AM930, found on page 1015, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**

## Revenue

**LEGISLATIVE BILL 670.** Placed on General File with amendment.  
AM1112

1 1. On page 4, line 19, strike "and"; in line 25 after "care" insert  
2 ".  
3 (f) That the applicant will limit the maximum scholarship amount  
4 awarded to any student to the cost of tuition and fees at the qualified  
5 school such student attends; and  
6 (g) That the applicant will limit scholarship amounts awarded to  
7 students in a manner that assures that the average of the scholarship  
8 amounts awarded per student does not exceed seventy-five percent of the  
9 statewide average general fund operating expenditures per formula student  
10 for the most recently available complete data year as such terms are  
11 defined in section 79-1003".

(Signed) Lou Ann Linehan, Chairperson

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

Senator Brewer filed the following amendment to LB511:

AM1113

(Amendments to Standing Committee amendments, AM672)

1 1. On page 105, line 13, strike "Each" and insert "Except as  
2 otherwise provided in subdivision (c) of this subsection, each"; and  
3 after line 24 insert the following new subdivision:  
4 "(c) Each request for any meal or incidental expense incurred during  
5 travel status by a member of the Legislature shall be fully itemized,  
6 including the amount, date, place, and essential character of the expense  
7 incurred".

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

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

Senator Hunt name added to LB492.

**VISITOR(S)**

Visitors to the Chamber were David and Josh Stein from Omaha; students from Aldrich Elementary School, Millard; students and teachers from the Nebraska Civics Leadership Program at UNO; students from Fillmore Central Elementary School, Geneva; and students from Johnson County Central Public Schools, Cook.

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

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Monday, April 15, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 15, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 15, 2019

**PRAYER**

The prayer was offered by Reverend John Nelson Jr., Christ Lutheran Church, O'Neill.

**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 Senator Hughes who was excused; and Senators Bolz, Groene, M. Hansen, Howard, La Grone, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 79, 80, 81, and 82 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 79, 80, 81, and 82.

**GENERAL FILE**

**LEGISLATIVE BILL 138.** Senator Blood renewed her amendment, AM930, found on page 1015 and considered on page 1160, to the committee amendment.

Senator Blood moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Blood requested a roll call vote, in reverse order, on her

amendment.

Voting in the affirmative, 35:

Arch	Chambers	Hansen, M.	Lindstrom	Scheer
Blood	Crawford	Hilkemann	McCollister	Stinner
Bolz	DeBoer	Howard	McDonnell	Vargas
Bostelman	Dorn	Hunt	Morfeld	Walz
Brandt	Geist	Kolowski	Moser	Wayne
Brewer	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, B.	Lathrop	Quick	Wishart

Voting in the negative, 6:

Briese	Erdman	Murman
Clements	Friesen	Slama

Present and not voting, 5:

Albrecht	Groene	Halloran	Hilgers	Linehan
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Excused and not voting, 3:

Hughes	La Grone	Lowe
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The Blood amendment was adopted with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks offered her amendment, AM1226, found on page 1109, to the committee amendment.

The Pansing Brooks amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Committee AM783, found on page 951 and considered on page 1160, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 670A.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 670, One Hundred Sixth Legislature, First Session, 2019.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 227.** Placed on Select File with amendment.  
ER80

- 1 1. In the Hughes amendment, AM1287:
- 2 a. On page 1, line 6, strike "sections 3 and 4" and insert "section
- 3 3"; and
- 4 b. On page 2, line 26, reinstate the first stricken "2-4404".
- 5 2. On page 1, line 2, strike "2-4402 and 2-4403" and insert "2-4401,
- 6 2-4403, and 2-4404"; in lines 2 and 3 strike "to redefine terms;".

**LEGISLATIVE BILL 616.** Placed on Select File with amendment.  
ER81

- 1 1. On page 1, strike beginning with "the" in line 1 through
- 2 "emergency" in line 8 and insert "state highways and bridges; to amend
- 3 section 39-1349, Reissue Revised Statutes of Nebraska, and section
- 4 81-1701, Revised Statutes Cumulative Supplement, 2018; to provide an
- 5 interest payment exception for certain construction contracts as
- 6 prescribed; to harmonize provisions; and to repeal the original
- 7 sections".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 15.** Placed on Final Reading.  
**LEGISLATIVE BILL 59.** Placed on Final Reading.  
**LEGISLATIVE BILL 87.** Placed on Final Reading.  
**LEGISLATIVE BILL 212.** Placed on Final Reading.  
**LEGISLATIVE BILL 218.** Placed on Final Reading.  
**LEGISLATIVE BILL 268.** Placed on Final Reading.  
**LEGISLATIVE BILL 316.** Placed on Final Reading.  
**LEGISLATIVE BILL 320.** Placed on Final Reading.  
**LEGISLATIVE BILL 352.** Placed on Final Reading.  
**LEGISLATIVE BILL 390.** Placed on Final Reading.  
**LEGISLATIVE BILL 472.** Placed on Final Reading.  
**LEGISLATIVE BILL 514.** Placed on Final Reading.

**LEGISLATIVE BILL 603.** Placed on Final Reading.

**LEGISLATIVE BILL 637.** Placed on Final Reading.

**LEGISLATIVE BILL 713.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 14CA.** Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 2, line 12, ", due to a high rate of unemployment combined with a high poverty rate as determined by law," has been inserted after "if".

(Signed) Julie Slama, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 538.** Title read. Considered.

Committee AM900, found on page 966, was offered.

Senator Lathrop withdrew his amendments, AM1229 and AM1267, found on pages 1094 and 1122.

Senator Lathrop offered his amendment, AM1278, found on page 1138, to the committee amendment.

#### **SPEAKER SCHEER PRESIDING**

Pending.

#### **MOTION(S) - Suspend Rules**

Senator Linehan offered the following motion to LB289:

MO62

Suspend the rules, Rule 3, Sec. 14, to permit cancellation of the hearing scheduled for April 18, 2019.

The Linehan motion to suspend the rules prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

#### **NOTICE OF COMMITTEE HEARING(S)** Revenue/Nebraska Retirement Systems/Education

Room 1510

Thursday, April 18, 2019 1:00 p.m.

LB289 (cancel)

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 538.** The Lathrop amendment, AM1278, found on page 1138 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 360.** Placed on General File with amendment.  
AM976

1 1. On page 3, line 21, after the period insert "In making such  
2 determination the court shall consider, among other things, whether a  
3 consular officer's jurisdiction includes Nebraska and the responsiveness  
4 of the consular officer to attempts made by an attorney representing the  
5 employee to engage such consular officer in the proceedings.".

**LEGISLATIVE BILL 418.** Placed on General File with amendment.  
AM1266 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

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

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

Senator Williams name added to LB605.  
Senator Erdman name added to LB693.

**VISITOR(S)**

Visitors to the Chamber were students from Lincoln Elementary School, Hastings; members of the La Vista Mayor's Youth Leadership Council; students from Aurora Elementary School; students from Tara Heights Elementary School, Papillion; students from Our Redeemer Lutheran School, Staplehurst; and students from Falls City Public Schools.

**RECESS**

At 11:54 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**SENATOR WILLIAMS PRESIDING****ROLL CALL**

The roll was called and all members were present except Senator Hughes who was excused; and Senators Chambers, Groene, B. Hansen, M. Hansen, La Grone, Linehan, and Morfeld who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 84.** Introduced by Hansen, M., 26.

WHEREAS, occupational diseases and workplace injuries affect millions of Americans each year; and

WHEREAS, thousands of those workers suffer permanent disabilities as a result; and

WHEREAS, thousands more are killed each year in incidents occurring while on the job and from diseases related to unsafe working conditions; and

WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2019, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

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

1. That the Legislature recognizes April 28, 2019, as Workers Memorial Day in Nebraska as a day of remembrance for workers who have been killed, injured, or disabled on the job.

2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department and the United Support and Memorial for Workplace Fatalities.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 538.** The Lathrop amendment, AM1278, found on page 1138 and considered in this day's Journal, to the committee amendment, was renewed.

The Lathrop amendment was adopted with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

The committee amendment, AM900, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### COMMITTEE REPORT(S)

#### Judiciary

The Judiciary 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.

Robert W. Twiss - Board of Parole

Aye: 8 Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

The Judiciary 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.

Don Arp Jr. - Director, Nebraska Crime Commission

Aye: 6 Brandt, Chambers, DeBoer, Lathrop, Morfeld, Slama. Nay: 0. Absent: 0. Present and not voting: 2 Pansing Brooks, Wayne.

(Signed) Steve Lathrop, Chairperson

### COMMITTEE REPORT(S)

#### Judiciary

**LEGISLATIVE BILL 308.** Placed on General File.

**LEGISLATIVE BILL 392.** Placed on General File.

**LEGISLATIVE BILL 643.** Placed on General File.

**LEGISLATIVE BILL 179.** Placed on General File with amendment.

AM736

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

2 sections:

3 Section 1. Section 25-1902, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 25-1902 (1) The following are final orders which may be vacated,

6 modified, or reversed:

7 (a) An order affecting a substantial right in an action, when such

8 order in effect determines the action and prevents a judgment; ;

9 (b) An ~~and an~~ order affecting a substantial right made during ~~in~~ a

10 special proceeding; ;

11 ~~(c) An order affecting a substantial right made on or upon a summary~~  
 12 ~~application in an action after a judgment is entered; and, is a final~~  
 13 ~~order which may be vacated, modified or reversed, as provided in this~~  
 14 ~~chapter.~~  
 15 (d) An order denying a motion for summary judgment when such motion  
 16 is based on the assertion of sovereign immunity or the immunity of a  
 17 government official.  
 18 (2) An order under subdivision (1)(d) of this section may be  
 19 appealed pursuant to section 25-1912 within thirty days after the entry  
 20 of such order or within thirty days after the entry of judgment.  
 21 Sec. 2. If any section in this act or any part of any section is  
 22 declared invalid or unconstitutional, the declaration shall not affect  
 23 the validity or constitutionality of the remaining portions.  
 24 Sec. 3. Original section 25-1902, Reissue Revised Statutes of  
 25 Nebraska, is repealed.

**LEGISLATIVE BILL 387.** Placed on General File with amendment.  
 AM404

1 1. On page 4, strike beginning with "approved" in line 1 through  
 2 "court" in line 2.  
 3 2. On page 8, line 17, strike beginning with "and" through "record"  
 4 and show as stricken; and strike beginning with "The" in line 27 through  
 5 the period in line 29.  
 6 3. On page 11, strike beginning with "become" in line 1 through  
 7 "county" in line 2, show as stricken, and insert "be entered upon the  
 8 record of the court".  
 9 4. On page 22, strike beginning with "become" in line 26 through  
 10 "commissioner" in line 27, show as stricken, and insert "be entered upon  
 11 the record of the court".

**LEGISLATIVE BILL 433.** Placed on General File with amendment.  
 AM981

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 76-1416 (1) A landlord may not demand or receive security, however  
 6 denominated, in an amount or value in excess of one month's periodic  
 7 rent, except that a pet deposit not in excess of one-fourth of one  
 8 month's periodic rent may be demanded or received when appropriate, but  
 9 this subsection shall not be applicable to housing agencies organized or  
 10 existing under the Nebraska Housing Agency Act.  
 11 (2) Upon termination of the tenancy, property or money held by the  
 12 landlord as prepaid rent and security may be applied to the payment of  
 13 rent and the amount of damages which the landlord has suffered by reason  
 14 of the tenant's noncompliance with the rental agreement or section  
 15 76-1421. The balance, if any, and a written itemization shall be  
 16 delivered or mailed to the tenant within fourteen days after the date of  
 17 termination of the tenancy. If no mailing address or instructions are

18 provided by the tenant to the landlord, the landlord shall send, by  
19 first-class mail, the balance of the security deposit to the tenant's  
20 last-known mailing address demand and designation of the location where  
21 payment may be made or mailed.

22 (3) If the landlord fails to comply with subsection (2) of this  
23 section, the tenant may recover, in addition to the property and money  
24 due him or her, liquidated damages of one times the periodic rent, plus  
25 costs and reasonable attorney's fees.

26 (4) This section does not preclude the landlord or tenant from  
27 recovering other damages to which he or she may be entitled under the  
1 Uniform Residential Landlord and Tenant Act. However, a tenant shall not  
2 be liable for damages directly related to the tenant's removal from the  
3 premises by order of any governmental entity as a result of the premises  
4 not being fit for habitation due to the negligence or neglect of the  
5 landlord.

6 (5) The holder of the landlord's interest in the premises at the  
7 time of the termination of the tenancy is bound by this section.  
8 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 76-1431 (1) Except as provided in the Uniform Residential Landlord  
11 and Tenant Act, if there is a noncompliance with section 76-1421  
12 materially affecting health and safety or a material noncompliance by the  
13 tenant with the rental agreement or any separate agreement, the landlord  
14 may deliver a written notice to the tenant specifying the acts and  
15 omissions constituting the breach and that the rental agreement will  
16 terminate upon a date not less than thirty days after receipt of the  
17 notice if the breach is not remedied in fourteen days, and the rental  
18 agreement shall terminate as provided in the notice subject to the  
19 following. If the breach is remediable by repairs or the payment of  
20 damages or otherwise and the tenant adequately remedies the breach prior  
21 to the date specified in the notice, the rental agreement will not  
22 terminate. If substantially the same act or omission which constituted a  
23 prior noncompliance of which notice was given recurs within six months,  
24 the landlord may terminate the rental agreement upon at least fourteen  
25 days' written notice specifying the breach and the date of termination of  
26 the rental agreement.

27 (2) If rent is unpaid when due and the tenant fails to pay rent  
28 within seven calendar ~~three~~ days after written notice by the landlord of  
29 nonpayment and his or her intention to terminate the rental agreement if  
30 the rent is not paid within that period of time, the landlord may  
31 terminate the rental agreement.

1 (3) Except as provided in the Uniform Residential Landlord and  
2 Tenant Act, the landlord may recover damages and obtain injunctive relief  
3 for any noncompliance by the tenant with the rental agreement or section  
4 76-1421. If the tenant's noncompliance is willful, the landlord may  
5 recover reasonable attorney's fees.

6 (4) Notwithstanding subsections (1) and (2) of this section or  
7 section 25-21,221, a landlord may, after five days' written notice of  
8 termination of the rental agreement and without the right of the tenant

9 to cure the default, file suit and have judgment against any tenant or  
10 occupant for recovery of possession of the premises if the tenant,  
11 occupant, member of the tenant's household, guest, or other person who is  
12 under the tenant's control or who is present upon the premises with the  
13 tenant's consent, engages in any violent criminal activity on the  
14 premises, the illegal sale of any controlled substance on the premises,  
15 or any other activity that threatens the health or safety of other  
16 tenants, the landlord, or the landlord's employees or agents. Such  
17 activity shall include, but not be limited to, any of the following  
18 activities of the tenant, occupant, member of the tenant's household,  
19 guest, or other person who is under the tenant's control or who is  
20 present upon the premises with the tenant's consent: (a) Physical assault  
21 or the threat of physical assault; (b) illegal use of a firearm or other  
22 weapon or the threat of illegal use of a firearm or other weapon; (c)  
23 possession of a controlled substance if the tenant knew or should have  
24 known of the possession, unless such controlled substance was obtained  
25 directly from or pursuant to a medical order issued by a practitioner  
26 legally authorized to prescribe while acting in the course of his or her  
27 professional practice; or (d) any other activity or threatened activity  
28 which would otherwise threaten the health or safety of any person or  
29 involving threatened, imminent, or actual damage to the property.  
30 (5) Subsection (4) of this section does not apply to a tenant if the  
31 violent criminal activity, illegal sale of any controlled substance, or  
1 other activity that threatens the health or safety of other tenants, the  
2 landlord, or the landlord's employees or agents, as set forth in  
3 subsection (4) of this section, is conducted by a person on the premises  
4 other than the tenant and the tenant takes at least one of the following  
5 measures against the person engaging in such activity:  
6 (a) The tenant seeks a protective order, restraining order, or other  
7 similar relief which would apply to the person conducting such activity;  
8 or  
9 (b) The tenant reports such activity to a law enforcement agency in  
10 an effort to initiate a criminal action against the person conducting the  
11 activity.  
12 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised  
13 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 434.** Placed on General File with amendment.  
AM1317

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 76-1431 (1) Except as provided in the Uniform Residential Landlord  
6 and Tenant Act, if there is a noncompliance with section 76-1421  
7 materially affecting health and safety or a material noncompliance by the  
8 tenant with the rental agreement or any separate agreement, the landlord  
9 may deliver a written notice to the tenant specifying the acts and  
10 omissions constituting the breach and that the rental agreement will

11 terminate upon a date not less than thirty days after receipt of the  
12 notice if the breach is not remedied in fourteen days, and the rental  
13 agreement shall terminate as provided in the notice subject to the  
14 following. If the breach is remediable by repairs or the payment of  
15 damages or otherwise and the tenant adequately remedies the breach prior  
16 to the date specified in the notice, the rental agreement will not  
17 terminate. If substantially the same act or omission which constituted a  
18 prior noncompliance of which notice was given recurs within six months,  
19 the landlord may terminate the rental agreement upon at least fourteen  
20 days' written notice specifying the breach and the date of termination of  
21 the rental agreement.

22 (2) If rent is unpaid when due and the tenant fails to pay rent  
23 within seven calendar ~~three~~ days after written notice by the landlord of  
24 nonpayment and his or her intention to terminate the rental agreement if  
25 the rent is not paid within that period of time, the landlord may  
26 terminate the rental agreement.

27 (3) Except as provided in the Uniform Residential Landlord and  
1 Tenant Act, the landlord may recover damages and obtain injunctive relief  
2 for any noncompliance by the tenant with the rental agreement or section  
3 76-1421. If the tenant's noncompliance is willful, the landlord may  
4 recover reasonable attorney's fees.

5 (4) Notwithstanding subsections (1) and (2) of this section or  
6 section 25-21,221, a landlord may, after five days' written notice of  
7 termination of the rental agreement and without the right of the tenant  
8 to cure the default, file suit and have judgment against any tenant or  
9 occupant for recovery of possession of the premises if the tenant,  
10 occupant, member of the tenant's household, guest, or other person who is  
11 under the tenant's control or who is present upon the premises with the  
12 tenant's consent, engages in any violent criminal activity on the  
13 premises, the illegal sale of any controlled substance on the premises,  
14 or any other activity that threatens the health or safety of other  
15 tenants, the landlord, or the landlord's employees or agents. Such  
16 activity shall include, but not be limited to, any of the following  
17 activities of the tenant, occupant, member of the tenant's household,  
18 guest, or other person who is under the tenant's control or who is  
19 present upon the premises with the tenant's consent: (a) Physical assault  
20 or the threat of physical assault; (b) illegal use of a firearm or other  
21 weapon or the threat of illegal use of a firearm or other weapon; (c)  
22 possession of a controlled substance if the tenant knew or should have  
23 known of the possession, unless such controlled substance was obtained  
24 directly from or pursuant to a medical order issued by a practitioner  
25 legally authorized to prescribe while acting in the course of his or her  
26 professional practice; or (d) any other activity or threatened activity  
27 which would otherwise threaten the health or safety of any person or  
28 involving threatened, imminent, or actual damage to the property.

29 (5) Subsection (4) of this section does not apply to a tenant if the  
30 violent criminal activity, illegal sale of any controlled substance, or  
31 other activity that threatens the health or safety of other tenants, the  
1 landlord, or the landlord's employees or agents, as set forth in

2 subsection (4) of this section, is conducted by a person on the premises  
3 other than the tenant and the tenant takes at least one of the following  
4 measures against the person engaging in such activity:  
5 (a) The tenant seeks a protective order, restraining order, or other  
6 similar relief which would apply to the person conducting such activity;  
7 or  
8 (b) The tenant reports such activity to a law enforcement agency in  
9 an effort to initiate a criminal action against the person conducting the  
10 activity.  
11 Sec. 2. Original section 76-1431, Reissue Revised Statutes of  
12 Nebraska, is repealed.

**LEGISLATIVE BILL 478.** Placed on General File with amendment.  
AM1216

1 1. Strike the original section and insert the following new  
2 sections:  
3 Section 1. Section 27-412, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 27-412 (1) The following evidence is not admissible in any civil or  
6 criminal proceeding involving alleged sexual misconduct except as  
7 provided in subsections (2) and (3) of this section:  
8 (a) Evidence offered to prove that any victim engaged in other  
9 sexual behavior; and  
10 (b) Evidence offered to prove any victim's sexual predisposition.  
11 (2)(a) In a criminal case, the following evidence is admissible, if  
12 otherwise admissible under the Nebraska Evidence Rules:  
13 (i) Evidence of specific instances of sexual behavior by the victim  
14 offered to prove that a person other than the accused was the source of  
15 semen, injury, or other physical evidence;  
16 (ii) Evidence of specific instances of sexual behavior of the victim  
17 with respect to the accused offered by the accused to prove consent of  
18 the victim if it is first established to the court that such behavior is  
19 similar to the behavior involved in the case and tends to establish a  
20 pattern of behavior of the victim relevant to the issue of consent; and  
21 (iii) Evidence, the exclusion of which would violate the  
22 constitutional rights of the accused.  
23 (b) In a civil case, evidence offered to prove the sexual behavior  
24 or sexual predisposition of any victim is admissible if it is otherwise  
25 admissible under the Nebraska Evidence Rules and its probative value  
26 substantially outweighs the danger of harm to any victim and of unfair  
27 prejudice to any party. Evidence of a victim's reputation is admissible  
1 only if it has been placed in controversy by the victim.  
2 (3)(a) A party intending to offer evidence under subsection (2) of  
3 this section shall:  
4 (i) File a written motion at least fifteen days before trial  
5 specifically describing the evidence and stating the purpose for which it  
6 is offered unless the court, for good cause, requires a different time  
7 for filing or permits filing during trial; and  
8 (ii) Serve the motion on all parties and notify the victim or, when

9 appropriate, the victim's guardian or representative.  
10 (b) Before admitting evidence under this section, the court shall  
11 conduct a hearing in camera outside the presence of any jury.  
12 (4) Evidence of the victim's consent is not admissible in any civil  
13 proceeding involving alleged:  
14 (a) Sexual penetration when the actor is nineteen years of age or  
15 older and the victim is less than sixteen years of age; or  
16 (b) Sexual contact when the actor is nineteen years of age or older  
17 and the victim is less than fifteen years of age.  
18 Sec. 2. Original section 27-412, Reissue Revised Statutes of  
19 Nebraska, is repealed.

**LEGISLATIVE BILL 532.** Placed on General File with amendment.  
AM674 is available in the Bill Room.

**LEGISLATIVE BILL 595.** Placed on General File with amendment.  
AM1164 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 323.** Title read. Considered.

Committee AM678, found on page 966, was adopted with 37 ayes, 0 nays,  
10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present  
and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 657.** Title read. Considered.

Committee AM988, found on page 1019, was offered.

### SPEAKER SCHEER PRESIDING

### SENATOR WILLIAMS PRESIDING

Senator Lowe offered the following amendment to the committee  
amendment:

FA45

Amend AM988

Change .3 percent to .2 percent in line 8 page 2.

Senator Lowe withdrew his amendment.

Senator Lowe offered the following amendment to the committee amendment:

FA46

Amend AM988

Cell phone be included in line 12 page 5.

#### **SPEAKER SCHEER PRESIDING**

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

Senator McCollister moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Lowe amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Lowe offered the following motion:

MO63

Recommit to the Agriculture Committee.

Senator Lowe withdrew his motion to recommit to committee.

The committee amendment, AM988, was adopted with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

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

Enrollment and Review

**LEGISLATIVE BILL 585.** Placed on Select File with amendment.

ER82

- 1 1. On page 1 strike lines 4 through 8 and insert "for grants; to
- 2 harmonize provisions; to provide an operative date; and to repeal the
- 3 original section."
- 4 2. On page 3, line 7, strike "project" and insert "agreement".

**LEGISLATIVE BILL 641.** Placed on Select File with amendment.

ER83

- 1 1. On page 1, strike beginning with "the" in line 1 through
- 2 "sections" in line 6 and insert "telecommunications; to amend section
- 3 71-7611, Reissue Revised Statutes of Nebraska; to define a term; to

4 provide for an annual grant to a 211 Information and Referral Network; to  
5 transfer funds from the Nebraska Health Care Cash Fund to the Public  
6 Service Commission; and to repeal the original section".

**LEGISLATIVE BILL 663.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 85.** Introduced by McDonnell, 5.

WHEREAS, the 1998 Good Friday Agreement between the Irish Government and the British Government provides that the British Government should enact legislation defining rights supplementary to those in the European Convention on Human Rights to constitute a Bill of Rights for Northern Ireland; and

WHEREAS, the Martin McGuinness Principles were launched on April 10, 2018, by Irish-American leaders calling for equality, respect, truth, and self-determination for Northern Ireland.

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

1. That the Legislature recognizes Northern Ireland's desire that the British Government respect the Martin McGuinness Principles calling for equality, respect, truth, and self-determination for Northern Ireland.

Laid over.

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

Senator Crawford filed the following amendment to LB237:  
AM1319 is available in the Bill Room.

Senator Crawford filed the following amendment to LB237A:  
AM1320

1 1. On page 2, line 2, strike "Miscellaneous Receipts" and insert  
2 "Enforcement".

Senator La Grone filed the following amendment to LB470:  
AM1096 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB227:  
AM1330

(Amendments to AM1287)

1 1. On page 1, lines 21 and 23, strike "reasonable" and insert "state  
2 of the art".

Senator Lathrop filed the following amendment to LB227:  
AM1331

(Amendments to AM1287)

1 1. On page 1, line 23, after the fourth comma insert "vermin".

Senator Lathrop filed the following amendment to LB227:  
AM1332

(Amendments to AM1287)

1 1. Strike section 3 and insert the following new section:  
2 Sec. 3. (1) No suit shall be maintained against a farm or farm  
3 operation or public grain warehouse or public grain warehouse operation  
4 for public or private nuisance more than two years after the condition  
5 which is the subject matter of the suit reaches a level of offense  
6 sufficient to sustain a claim of nuisance.  
7 (2) The limitation provided for in this section shall not apply to  
8 any action brought to determine compliance with or to enforce a previous  
9 order of a court related to the same claim of nuisance or to any claims  
10 for additional damages or equitable relief available when a farm or farm  
11 operation or public grain warehouse or public grain warehouse operation  
12 fails to remediate a nuisance pursuant to such court order.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 571A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, One Hundred Sixth Legislature, First Session, 2019.

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

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

Senator M. Hansen name added to LB657.

### **WITHDRAW - Cointroducer(s)**

Senator B. Hansen name withdrawn from LB720.

### **VISITOR(S)**

Visitors to the Chamber were students, teacher, and sponsors from Harvard Public Schools; students from Shell Creek Elementary School and Platte Center Elementary School, Columbus and Platte Center; students and teacher from Bayard Public School; students and sponsor from Norfolk High School; and students from Battle Creek Elementary School.

**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Tuesday, April 16, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTIETH DAY - APRIL 16, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 16, 2019

**PRAYER**

The prayer was offered by Pastor Rodney Hinrichs, missionary with Reaching the Unreached, 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 Senator Hughes who was excused; and Senators Groene, Linehan, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 693.** Title read. Considered.

Senator Halloran offered his amendment, AM305, found on page 526.

Senator Hunt offered the following amendment to the Halloran amendment:  
AM1289

(Amendments to AM305)

1 1. On page 1, line 13, strike "or"; and in line 15 after  
2 "manipulation" insert "; or  
3 (c) To any provider of telecommunications services, broadband  
4 services, or Internet services, as those terms are defined in section  
5 86-593, if such provider is acting in a manner that is authorized or  
6 required by federal law".

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 8 nays, and 20 not voting.

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

Voting in the affirmative, 29:

Albrecht	DeBoer	Howard	McDonnell	Stinner
Arch	Dorn	Hunt	Morfeld	Vargas
Blood	Friesen	Kolowski	Murman	Walz
Brandt	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lindstrom	Quick	Wishart
Crawford	Hilkemann	McCollister	Scheer	

Voting in the negative, 11:

Bostelman	Clements	Hilgers	Moser
Brewer	Erdman	Lathrop	Slama
Briese	Halloran	Low	

Present and not voting, 6:

Chambers	Groene	La Grone
Geist	Hansen, B.	Linehan

Excused and not voting, 3:

Bolz	Hughes	Wayne
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The Hunt amendment was adopted with 29 ayes, 11 nays, 6 present and not voting, and 3 excused and not voting.

The Halloran amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 40:

Albrecht	Crawford	Halloran	Kolterman	Pansing Brooks
Arch	DeBoer	Hansen, B.	La Grone	Scheer
Blood	Dorn	Hansen, M.	Linehan	Slama
Bostelman	Erdman	Hilgers	Low	Stinner
Brandt	Friesen	Hilkemann	McCollister	Vargas
Brewer	Geist	Howard	McDonnell	Walz
Briese	Gragert	Hunt	Moser	Williams
Clements	Groene	Kolowski	Murman	Wishart

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Cavanaugh Lathrop Lindstrom Morfeld Quick

Excused and not voting, 3:

Bolz Hughes Wayne

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 237.** Title read. Considered.

Committee AM676, found on page 872, was offered.

Senator Crawford withdrew her amendment, AM943, found on page 976.

Senator Crawford offered her amendment, AM1319, found on page 1177, to the committee amendment.

The Crawford amendment was adopted with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Albrecht offered the following amendment:

FA47

On page 6, line 22 change seventy-five percent with "50% (fifty percent)" and on page 6, line 23 change twenty-five percent with "50% (fifty percent)".

Pending.

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

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

Senator Slama name added to LB693.

Senator Blood name added to LB693.

#### **VISITOR(S)**

Visitors to the Chamber were students from Pawnee City Elementary School; students from Pine Creek Elementary School, Bennington; students from Shelby-Rising City Public Schools; members of UNO's Young Southeast Asian Leaders Initiative from 11 different Southeast Asian

countries; students from Stoddard Elementary School, Beatrice; and students from Diller-Odell Elementary School.

### RECESS

At 11:47 a.m., on a motion by Senator Walz, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

### ROLL CALL

The roll was called and all members were present except Senators Blood and Hughes who were excused; and Senators Bolz, Briese, Clements, B. Hansen, Morfeld, and Stinner who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 237.** Senator Albrecht renewed her amendment, FA47, found in this day's Journal.

### SENATOR WILLIAMS PRESIDING

Senator Erdman moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

The Albrecht amendment lost with 21 ayes, 6 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 6 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 237A.** Title read. Considered.

Senator Crawford offered her amendment, AM1320, found on page 1177.

The Crawford amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

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

Senator Friesen filed the following amendment to LB356:  
AM1325

(Amendments to AM1167)

- 1 1. On page 34, line 3; and page 36, line 22, after "tons" insert "or
- 2 a commercial truck or truck-tractor with a gross weight of five tons or
- 3 over".
- 4 2. On page 35, line 8, strike "other than the vehicle" and insert
- 5 "or trailer other than the motor vehicle or trailer"; and in lines 9 and
- 6 11 strike "vehicle" and insert "motor vehicle or trailer".
- 7 3. On page 36, line 24, after the period insert "The license plates
- 8 shall be issued upon payment of the license fee described in subsection
- 9 (2) of this section".
- 10 4. On page 36, line 30; and page 39, line 16, strike "them" and
- 11 insert "such fees".
- 12 5. On page 37, lines 15, 21, and 24; and page 39, lines 1 and 2,
- 13 strike "or trailer" and insert ", trailer, or semitrailer".
- 14 6. On page 38, after line 4, insert the following new subsection:
- 15 "(5) If the cost of manufacturing Prostate Cancer Awareness Plates
- 16 at any time exceeds the amount charged for license plates pursuant to
- 17 section 60-3.102, any money to be credited to the University of Nebraska
- 18 Medical Center for the Nebraska Prostate Cancer Research Program shall
- 19 instead be credited first to the Highway Trust Fund in an amount equal to
- 20 the difference between the manufacturing costs of Prostate Cancer
- 21 Awareness Plates and the amount charged pursuant to section 60-3.102 with
- 22 respect to such plates and the remainder shall be credited to the
- 23 University of Nebraska Medical Center for the Nebraska Prostate Cancer
- 24 Research Program".

**GENERAL FILE**

**LEGISLATIVE BILL 496.** Title read. Considered.

Committee AM787, found on page 891, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Wayne withdrew his amendment, AM750, found on page 873.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 138.** Placed on Select File with amendment.  
ER86 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 375.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 610.** Title read. Considered.

Committee AM917, found on page 982, was offered.

Senator Wishart offered the following amendment to the committee amendment:

AM1365

(Amendments to Standing Committee amendments, AM917)

1 1. Insert the following new section:

2 Sec. 10. (1) Beginning January 1, 2022, there is hereby established  
3 the College Savings Plan Low-Income Matching Scholarship Program. The  
4 purpose of the program is to encourage contributions to accounts  
5 established under the Nebraska educational savings plan trust for the  
6 benefit of individuals with limited means. The State Treasurer shall  
7 implement and administer the program.

8 (2) A participant shall be eligible for the program if the  
9 beneficiary for whom contributions are made is part of a family whose  
10 household income for the most recently completed taxable year is not more  
11 than two hundred fifty percent of the federal poverty level.

12 (3) Applications for participation in the program shall be submitted  
13 to the State Treasurer on forms prescribed by the State Treasurer. If the  
14 requirements of subsection (2) of this section are met, the State  
15 Treasurer shall approve the application and notify the applicant of the  
16 approval. The State Treasurer may approve applications until the annual  
17 limit provided in subsection (7) of this section has been reached.

18 (4) Any participant who is approved for the program under subsection  
19 (3) of this section must resubmit an application each year thereafter and  
20 be reappraised in order to continue participation in the program.

21 (5) If a participant is approved for the program, any contribution  
22 made by such participant under the program shall be matched with  
23 scholarship funds provided by the State of Nebraska. The matching  
24 scholarship shall be equal to:

25 (a) One hundred percent of the participant's contribution if the  
26 beneficiary for whom the contribution is made is part of a family whose  
1 household income for the most recently completed taxable year is more  
2 than two hundred percent of the federal poverty level but not more than  
3 two hundred fifty percent of the federal poverty level, not to exceed one  
4 thousand dollars annually; or

5 (b) Two hundred percent of the participant's contribution if the  
6 beneficiary for whom the contribution is made is part of a family whose  
7 household income for the most recently completed taxable year is not more

- 8 than two hundred percent of the federal poverty level, not to exceed one  
 9 thousand dollars annually.  
 10 (6) Between January 1 and January 31 of each year, the State  
 11 Treasurer shall transfer from the General Fund to the College Savings  
 12 Incentive Cash Fund the amount necessary to meet the matching obligations  
 13 of this section for the preceding calendar year, minus the amount of any  
 14 private contributions received pursuant to subsection (1) of section 8 of  
 15 this act during the preceding calendar year. The State Treasurer shall  
 16 then transfer from the College Savings Incentive Cash Fund to the College  
 17 Savings Plan Program Fund the amount necessary to meet the matching  
 18 obligations of this section for the preceding calendar year. Such amount  
 19 shall be deposited into the appropriate accounts of the participants  
 20 making contributions under the program.  
 21 (7) The State Treasurer may approve a total of two hundred fifty  
 22 thousand dollars of scholarships each calendar year under the College  
 23 Savings Plan Low-Income Matching Scholarship Program.  
 24 2. On page 1, line 10; page 6, line 17; page 10, line 26; page 11,  
 25 line 31; page 12, line 30; page 13, line 18; page 14, lines 6 and 7; page  
 26 16, lines 1 and 26; and page 18, line 2, strike "and 9" and insert "to  
 27 10".  
 28 3. On page 11, line 14, strike "or", show as stricken, and insert an  
 29 underscored comma; and in line 17 after "entity" insert ", or (c) a  
 30 distribution from an account to pay the costs of attending kindergarten  
 31 through grade twelve".  
 1 4. On page 18, line 12, after "act" insert "and to provide matching  
 2 scholarships under the College Savings Plan Low-Income Matching  
 3 Scholarship Program established in section 10 of this act. The State  
 4 Treasurer shall accept contributions from any private individual or  
 5 entity and shall credit all such contributions received to the College  
 6 Savings Incentive Cash Fund for the purpose of providing an ongoing  
 7 source of funding for the College Savings Plan Low-Income Matching  
 8 Scholarship Program".  
 9 5. Renumber the remaining section accordingly.

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

The Wishart amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Linehan withdrew her amendment, AM481, found on page 775.

Senator Lindstrom withdrew his amendment, AM701, found on page 813.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 550.** Title read. Considered.

Committee AM530, found on page 946, was offered.

Senator Vargas offered the following amendment to the committee amendment:

AM1373

(Amendments to Standing Committee amendments, AM530)

1 1. On page 1, line 3, strike "any tax or fee related to" and insert  
 2 "an occupation tax on"; in lines 5, 10, 14 and 15, 16, 17, and 18, strike  
 3 "or fee"; and in line 18 after the period insert "This section applies to  
 4 any occupation tax in existence on the effective date of this act and to  
 5 any occupation tax which is set to begin on or after such date. For any  
 6 occupation tax in existence on the effective date of this act, the  
 7 municipality shall suspend collection of the tax until it has been  
 8 approved by the voters in accordance with this section.".

**SPEAKER SCHEER PRESIDING**

Senator Wayne offered the following motion:

MO65

Bracket until June 6, 2019.

Pending.

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

Senator Brewer filed the following amendment to LB155:

AM1380

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 70-1014.02, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 70-1014.02 (1) The Legislature finds that:  
 6 (a) Nebraska has the authority as a sovereign state to protect its  
 7 land, natural resources, and cultural resources for economic and  
 8 aesthetic purposes for the benefit of its residents and future  
 9 generations by regulation of energy generation projects;  
 10 (b) The unique terrain and ecology of the Nebraska Sandhills provide  
 11 an irreplaceable habitat for millions of migratory birds and other  
 12 wildlife every year and serve as the home to numerous ranchers and  
 13 farmers;  
 14 (c) The grasslands of the Nebraska Sandhills and other natural  
 15 resources in Nebraska will become increasingly valuable, both  
 16 economically and strategically, as the demand for food and energy  
 17 increases; and

18 (d) The Nebraska Sandhills are home to priceless archaeological  
19 sites of historical and cultural significance to American Indians.  
20 ~~(2)(a)~~ ~~(1)(a)~~ A privately developed renewable energy generation  
21 facility that meets the requirements of this section is exempt from  
22 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the  
23 commencement of construction the owner of the facility:  
24 (i) Notifies the board in writing of its intent to commence  
25 construction of a privately developed renewable energy generation  
26 facility;  
27 (ii) Certifies to the board that the facility will meet the  
1 requirements for a privately developed renewable energy generation  
2 facility;  
3 (iii) Certifies to the board that the private electric supplier will  
4 (A) comply with any decommissioning requirements adopted by the local  
5 governmental entities having jurisdiction over the privately developed  
6 renewable energy generation facility and (B) except as otherwise provided  
7 in subdivision (b) of this subsection, submit a decommissioning plan to  
8 the board obligating the private electric supplier to bear all costs of  
9 decommissioning the privately developed renewable energy generation  
10 facility and requiring that the private electric supplier post a security  
11 bond or other instrument, no later than the tenth year following  
12 commercial operation, securing the costs of decommissioning the facility  
13 and provide a copy of the bond or instrument to the board;  
14 (iv) Certifies to the board that the private electric supplier has  
15 entered into or prior to commencing construction will enter into a joint  
16 transmission development agreement pursuant to subdivision (c) of this  
17 subsection with the electric supplier owning the transmission facilities  
18 of sixty thousand volts or greater to which the privately developed  
19 renewable energy generation facility will interconnect; and  
20 (v) Certifies to the board that the private electric supplier has  
21 consulted with the Game and Parks Commission to identify potential  
22 measures to avoid, minimize, and mitigate impacts to species identified  
23 under subsection (1) or (2) of section 37-806 during the project planning  
24 and design phases, if possible, but in no event later than the  
25 commencement of construction.  
26 (b) The board may bring an action in the name of the State of  
27 Nebraska for failure to comply with subdivision (a)(iii)(B) of this  
28 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if  
29 a local government entity with the authority to create requirements for  
30 decommissioning has enacted decommissioning requirements for the  
31 applicable jurisdiction.  
1 (c) The joint transmission development agreement shall address  
2 construction, ownership, operation, and maintenance of such additions or  
3 upgrades to the transmission facilities as required for the privately  
4 developed renewable energy generation facility. The joint transmission  
5 development agreement shall be negotiated and executed contemporaneously  
6 with the generator interconnection agreement or other directives of the  
7 applicable regional transmission organization with jurisdiction over the  
8 addition or upgrade of transmission, upon terms consistent with prudent

9 electric utility practices for the interconnection of renewable  
10 generation facilities, the electric supplier's reasonable transmission  
11 interconnection requirements, and applicable transmission design and  
12 construction standards. The electric supplier shall have the right to  
13 purchase and own transmission facilities as set forth in the joint  
14 transmission development agreement. The private electric supplier of the  
15 privately developed renewable energy generation facility shall have the  
16 right to construct any necessary facilities or improvements set forth in  
17 the joint transmission development agreement pursuant to the standards  
18 set forth in the agreement at the private electric supplier's cost.

19 ~~(3)~~ ~~(2)~~ Within ten days after receipt of a written notice complying  
20 with subsection ~~(2)~~ ~~(1)~~ of this section, the executive director of the  
21 board shall issue a written acknowledgment that the privately developed  
22 renewable energy generation facility is exempt from sections 70-1012 to  
23 70-1014.01.

24 ~~(4)~~ ~~(3)~~ The exemption allowed under this section for a privately  
25 developed renewable energy generation facility shall extend to and exempt  
26 all private electric suppliers owning any interest in the facility,  
27 including any successor private electric supplier which subsequently  
28 acquires any interest in the facility.

29 ~~(5)~~ ~~(4)~~ No property owned, used, or operated as part of a privately  
30 developed renewable energy generation facility shall be subject to  
31 eminent domain by a consumer-owned electric supplier operating in the  
1 State of Nebraska. Nothing in this section shall be construed to grant  
2 the power of eminent domain to a private electric supplier or limit the  
3 rights of any entity to acquire any public, municipal, or utility right-  
4 of-way across property owned, used, or operated as part of a privately  
5 developed renewable energy generation facility as long as the right-of-  
6 way does not prevent the operation of or access to the privately  
7 developed renewable energy generation facility.

8 ~~(6)~~ ~~(5)~~ Only a consumer-owned electric supplier operating in the  
9 State of Nebraska may exercise eminent domain authority to acquire the  
10 land rights necessary for the construction of transmission lines and  
11 related facilities. ~~There is a rebuttable presumption that the~~ ~~The~~  
12 exercise of eminent domain to provide needed transmission lines and  
13 related facilities for a privately developed renewable energy generation  
14 facility is a public use.

15 ~~(7)~~ ~~(6)~~ Nothing in this section shall be construed to authorize a  
16 private electric supplier to sell or deliver electricity at retail in  
17 Nebraska.

18 ~~(8)~~ ~~(7)~~ Nothing in this section shall be construed to limit the  
19 authority of or require a consumer-owned electric supplier operating in  
20 the State of Nebraska to enter into a joint agreement with a private  
21 electric supplier to develop, construct, and jointly own a privately  
22 developed renewable energy generation facility.

23 Sec. 2. Section 70-1015, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 70-1015 (1) If any supplier violates Chapter 70, article 10, by  
26 either (a) commencing the construction or finalizing or attempting to

27 finalize the acquisition of any generation facilities, any transmission  
28 lines, or any related facilities without first providing notice or  
29 obtaining board approval, whichever is required, or (b) serving or  
30 attempting to serve at retail any customers located in Nebraska or any  
31 wholesale customers in violation of section 70-1002.02, such  
1 construction, acquisition, or service of such customers shall be enjoined  
2 in an action brought in the name of the State of Nebraska until such  
3 supplier has complied with Chapter 70, article 10.

4 (2) If the executive director of the board determines that a private  
5 electric supplier commenced construction of a privately developed  
6 renewable energy generation facility less than thirty days prior to  
7 providing the notice required in subdivision ~~(2)(a)~~ ~~(1)(a)~~ of section  
8 70-1014.02, the executive director shall send notice via certified mail  
9 to the private electric supplier, informing it of the determination that  
10 the private electric supplier is in violation of such subdivision and is  
11 subject to a fine in the amount of five hundred dollars. The private  
12 electric supplier shall have twenty days from the date on which the  
13 notice is received in which to submit the notice described in such  
14 subdivision and to pay the fine. Within ten days after the private  
15 electric supplier submits a notice compliant with ~~the provisions of~~  
16 subsection ~~(2)~~ ~~(1)~~ of section 70-1014.02 and payment of the fine, the  
17 executive director of the board shall issue the written acknowledgment  
18 described in subsection ~~(3)~~ ~~(2)~~ of section 70-1014.02. If the private  
19 electric supplier fails to submit a notice compliant with ~~the provisions~~  
20 ~~of~~ subsection ~~(2)~~ ~~(1)~~ of section 70-1014.02 and pay the fine within  
21 twenty days after the date on which the private electric supplier  
22 receives the notice from the executive director of the board, the private  
23 electric supplier shall immediately cease construction or operation of  
24 the privately developed renewable energy generation facility.

25 (3) If the private electric supplier disputes that construction was  
26 commenced less than thirty days prior to submitting the written notice  
27 required by subdivision ~~(2)(a)~~ ~~(1)(a)~~ of section 70-1014.02, the private  
28 electric supplier may request a hearing before the board. Such request  
29 shall be submitted within twenty days after the private electric supplier  
30 receives the notice sent by the executive director pursuant to subsection  
31 ~~(3)~~ ~~(2)~~ of this section. If the private electric supplier does not accept  
1 the certified mail sent pursuant to such subsection, the executive  
2 director shall send a second notice to the private electric supplier by  
3 first-class United States mail. The private electric supplier may submit  
4 a request for hearing within twenty days after the date on which the  
5 second notice was mailed.

6 (4) Upon receipt of a request for hearing, the board shall set a  
7 hearing date. Such hearing shall be held within sixty days after such  
8 receipt. The board shall provide to the private electric supplier written  
9 notice of the hearing at least twenty days prior to the date of the  
10 hearing. The board or its hearing officer may grant continuances upon  
11 good cause shown or upon the request of the private electric supplier.  
12 Timely filing of a request for hearing by a private electric supplier  
13 shall stay any further enforcement under this section until the board

14 issues an order pursuant to subsection ~~(6)~~ (5) of this section or the  
 15 request for hearing is withdrawn.  
 16 (5) The board shall issue a written decision within sixty days after  
 17 conclusion of the hearing. All costs of the hearing shall be paid by the  
 18 private electric supplier if (a) the board determines that the private  
 19 electric supplier commenced construction of the privately developed  
 20 renewable energy generation facility less than thirty days prior to  
 21 submitting the written notice required pursuant to subsection ~~(2)~~ (1) of  
 22 section 70-1014.02 or (b) the private electric supplier withdraws its  
 23 request for hearing prior to the board issuing its decision.  
 24 (6) A private electric supplier which the board finds to be in  
 25 violation of the requirements of subsection ~~(2)~~ (1) of section 70-1014.02  
 26 shall either (a) pay the fine described in this section and submit a  
 27 notice compliant with ~~the provisions of~~ subsection ~~(2)~~ (1) of section  
 28 70-1014.02 or (b) immediately cease construction or operation of the  
 29 privately developed renewable energy generation facility.  
 30 Sec. 3. Original sections 70-1014.02 and 70-1015, Reissue Revised  
 31 Statutes of Nebraska, are repealed.

### VISITOR(S)

Visitors to the Chamber were Speaker Scheer's neice, Anna Stech, and great-nieces, Sophie and Abby Stech; Marlin Seeman and Eric Melcher, Mayor and City Administrator of Aurora; students from Stoddard Elementary School, Beatrice; and students from Cody Elementary School, North Platte.

The Doctor of the Day was Dr. Chris Snyder from Omaha.

### ADJOURNMENT

At 4:48 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Wednesday, April 17, 2019.

Patrick J. O'Donnell  
 Clerk of the Legislature

**SIXTY-FIRST DAY - APRIL 17, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 17, 2019

**PRAYER**

The prayer was offered by Pastor Matt Erikson, Mercy City Church, 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 Bolz, B. Hansen, Lindstrom, Morfeld, Stinner, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 550.** Senator Wayne withdrew his motion, MO65, found on page 1188, to bracket until June 6, 2019.

Senator Vargas withdrew his amendment, AM1373, found on page 1188.

Committee AM530, found on page 946 and considered on page 1188, was renewed.

Senator Wayne offered the following amendment to the committee amendment:

AM1393

(Amendments to Standing Committee amendments, AM530)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 section:
- 4 Section 1. No municipality shall adopt a new occupation tax on
- 5 wireless and prepaid wireless services or increase the rate of an

6 existing occupation tax on such services on or after the effective date  
 7 of this act unless and until the question of whether to adopt or increase  
 8 such tax has been submitted at a primary or general election held within  
 9 the municipality and in which all registered voters shall be entitled to  
 10 vote on such question. The officials of the municipality shall order the  
 11 submission of the question by submitting a certified copy of the  
 12 resolution proposing the tax or tax increase to the election commissioner  
 13 or county clerk by March 1 for a primary election or by September 1 for a  
 14 general election. The election shall be conducted in accordance with the  
 15 Election Act. If a majority of the votes cast upon such question are in  
 16 favor of such tax or tax increase, then the governing body of such  
 17 municipality shall be empowered to impose such tax or tax increase. If a  
 18 majority of those voting on the question are opposed to such tax or tax  
 19 increase, then the governing body of the municipality shall not impose  
 20 such tax or tax increase.

### SENATOR WILLIAMS PRESIDING

Pending.

### AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB85:  
 AM1377

(Amendments to Standing Committee amendments, AM66)

1 1. Strike amendment 1 and insert the following new amendment:  
 2 1. Strike the original sections and insert the following new  
 3 sections:  
 4 Section 1. The Legislature finds that the enforcement of local  
 5 building and construction codes is a matter of state concern,  
 6 particularly in larger cities which contain a large number of residential  
 7 rental properties. The state provides guidelines for the adoption of  
 8 local building and construction codes under the Building Construction Act  
 9 and regulates the landlord and tenant relationship through the Uniform  
 10 Residential Landlord and Tenant Act. Recognizing the need to safeguard  
 11 life, health, property, and the public welfare through the appropriate  
 12 enforcement of local building and construction codes, the Legislature  
 13 hereby declares the necessity of establishing minimum requirements for  
 14 cities of the metropolitan class to enforce such codes through a  
 15 proactive rental housing inspection program.  
 16 Sec. 2. For purposes of sections 1 to 7 of this act:  
 17 (1) City means any city of the metropolitan class;  
 18 (2) Housing agency has the same meaning as in section 71-1575; and  
 19 (3) Newly constructed residential rental property means (a) a  
 20 single-family or multi-unit residential rental property that was  
 21 constructed within the past five years or (b) a non-residential rental  
 22 property that was converted into multi-unit residential rental property  
 23 within the past five years. For purposes of this subdivision, a rental  
 24 property shall be considered constructed or converted on the date of

25 issuance of an occupancy permit by the city.  
26 Sec. 3. Any city which enacts and administers a local building or  
1 construction code under section 71-6406 shall adopt a rental housing  
2 inspection program to enforce the relevant provisions of such local  
3 building or construction code for all residential rental property within  
4 the corporate limits of the city. The enforcement procedures for a rental  
5 housing inspection program adopted pursuant to this section shall be  
6 designed to improve housing conditions. The city shall make reasonable  
7 efforts to prevent unreasonable displacement of tenants from residential  
8 rental property when enforcing such program.  
9 Sec. 4. (1) A rental housing inspection program adopted under  
10 section 3 of this act shall include:  
11 (a)(i) A requirement that all residential rental property within the  
12 corporate limits of the city be registered with the city. Such  
13 registration shall include:  
14 (A) The name, street address, telephone number, email address, and  
15 identification of the type of entity if applicable, of the owner of the  
16 residential rental property;  
17 (B) If different than the owner of the residential rental property,  
18 the name, street address, telephone number, email address, and  
19 identification of the type of entity if applicable, of the local property  
20 manager of the residential rental property;  
21 (C) If applicable, the name, street address, telephone number, and  
22 email address of any other alternate contact person acting on behalf of  
23 the owner of the residential rental property;  
24 (D) The identity of the residential rental property, including  
25 parcel number, physical street address or addresses, and full mailing  
26 address or addresses if different than the physical street address or  
27 addresses;  
28 (E) The number of separate rental dwelling units, if applicable, on  
29 the residential rental property; and  
30 (F) Any such other information required by the city;  
31 (ii) Registration information shall be made publicly available in  
1 both printed and electronic form; and  
2 (iii) The city shall not charge a fee for such registration;  
3 (b) A requirement that all residential rental property within the  
4 corporate limits of the city be inspected at least once within a four-  
5 year cycle, except as provided in section 5 of this act, and except for  
6 any such property that is:  
7 (i) Newly constructed residential rental property;  
8 (ii) Owned or managed by a housing agency;  
9 (iii) Inspected or caused to be inspected by a housing agency to  
10 enforce housing quality standards required by the United States  
11 Department of Housing and Urban Development for properties rented under a  
12 voucher program or other rental assistance program under section 8 of the  
13 United States Housing Act of 1937; or  
14 (iv) A qualified low-income building or buildings, as such term is  
15 defined in section 42 of the Internal Revenue Code of 1986, as amended;  
16 (c) A supplemental system of inspections of residential rental

17 property upon receipt of any complaints;  
18 (d) A procedure for owners of residential rental property to appeal  
19 adverse decisions under the rental housing inspection program; and  
20 (e) An educational component to educate owners of residential rental  
21 property on issues related to rental property ownership, including, but  
22 not limited to, their responsibilities under the rental housing  
23 inspection program and a tenant's rights under the Uniform Residential  
24 Landlord and Tenant Act.  
25 (2)(a) The city shall comply with the requirements of subdivisions  
26 (1)(a), (c), (d), and (e) of this section no later than one year  
27 following the effective date of this act.  
28 (b) For residential rental property which has had a code violation  
29 within the three years prior to the effective date of this act that was  
30 not remedied, the city shall comply with the requirements of subdivision  
31 (1)(b) of this section no later than two years following the effective  
1 date of this act.  
2 (c) For residential rental property with three or more rental units  
3 that has not had a code violation within the three years prior to the  
4 effective date of this act that was not remedied, the city shall comply  
5 with the requirements of subdivision (1)(b) of this section no later than  
6 three years following the effective date of this act.  
7 (d) For residential rental property with less than three rental  
8 units that has not had a code violation within the three years prior to  
9 the effective date of this act that was not remedied, the city shall  
10 comply with the requirements of subdivision (1)(b) of this section no  
11 later than four years following the effective date of this act.  
12 Sec. 5. A rental housing inspection program adopted under section 3  
13 of this act may include:  
14 (1) A schedule of inspection fees for any inspections or  
15 reinspections required in any residential rental property;  
16 (2) A schedule of fines for failure to comply with local building  
17 and construction code requirements, including fines and interest for late  
18 payments; and  
19 (3) A provision allowing for a one-time, three-year waiver of  
20 regular inspections as required under subdivision (1)(b) of section 4 of  
21 this act for residential rental properties which have had no code  
22 violations within the three years prior to the effective date of this  
23 act.  
24 Sec. 6. For multi-unit residential rental properties, a rental  
25 housing inspection program adopted under section 3 of this act may  
26 provide for inspections to be conducted on a random sampling of all units  
27 of such property instead of inspecting all units of such property.  
28 Sec. 7. (1) A city may enforce the collection of unpaid fees and  
29 unpaid fines assessed or levied under any schedule adopted pursuant to  
30 section 5 of this act by filing a civil action in any court of competent  
31 jurisdiction.  
1 (2) Unpaid fees and unpaid fines assessed or levied under any  
2 schedule adopted pursuant to section 5 of this act shall become a lien on  
3 the applicable property upon the recording of a notice of such lien in

4 the office of the register of deeds of the county in which the applicable  
 5 property is located. The lien created under this subsection shall be  
 6 subordinate to all other prior recorded liens on the applicable property.  
 7 Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of  
 8 this act to Chapter 14.

### GENERAL FILE

**LEGISLATIVE BILL 155.** Considered.

Senator Brewer offered his amendment, AM1380, found on page 1188.

The Brewer amendment was adopted with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 538.** Placed on Select File with amendment.  
 ER84

1 1. In the Lathrop amendment, AM1278, on page 2, line 9, strike  
 2 "are", show as stricken, and insert "is".  
 3 2. On page 1, strike beginning with "gambling" in line 1 through  
 4 line 7 and insert "gambling; to amend sections 28-1107, 77-3001, 77-3006,  
 5 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of  
 6 Nebraska; to change provisions relating to possession of a gambling  
 7 device; to define and redefine terms under the Mechanical Amusement  
 8 Device Tax Act; to provide for approval of certain mechanical amusement  
 9 devices by, and provide duties and powers for, the Department of Revenue  
 10 as prescribed; to provide fees; to harmonize provisions; to provide an  
 11 operative date; and to repeal the original sections."

**LEGISLATIVE BILL 323.** Placed on Select File with amendment.  
 ER85

1 1. In the Standing Committee amendments, AM678, on page 3, lines 17  
 2 and 24, strike "subsection" and insert "subdivision".

(Signed) Julie Slama, Chairperson

### AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB641:  
 AM1397

(Amendments to Standing Committee amendments, AM724)

1 1. On page 1, after line 26 insert the following new subsection:  
 2 "(5) There is hereby created the 211 Cash Fund. The fund shall be

3 used solely for the purpose of providing grants pursuant to this section  
4 and associated administrative costs. All money received by the Public  
5 Service Commission for such grants shall be remitted to the State  
6 Treasurer for credit to such fund. Any money in the fund available for  
7 investment shall be invested by the state investment officer pursuant to  
8 the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act."

10 2. On page 3, lines 26 and 27, strike "Public Service Commission"  
11 and insert "211 Cash Fund".

#### **GENERAL FILE**

**LEGISLATIVE BILL 424.** Title read. Considered.

Committee AM509, found on page 705, was offered.

Pending.

#### **VISITOR(S)**

Visitors to the Chamber were students from Elgin Public Schools; students and teachers from Wayne Elementary School; Senator Kolterman's brother and sister-in-law, Clark and Linda Kolterman, from Seward, and Monica Duran Gabella, from Chile; and students from Oakland-Craig Elementary School.

#### **RECESS**

At 11:57 a.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senator Bostelman who was excused; and Senators Bolz, Brewer, Geist, Morfeld, Slama, and Vargas who were excused until they arrive.

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

Pursuant to Rule 4, Sec. 5(b), LR83 was adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR83.

**GENERAL FILE**

**LEGISLATIVE BILL 424.** Committee AM509, found on page 705 and considered in this day's Journal, was renewed.

**SENATOR LINDSTROM PRESIDING**

Senator Hilgers offered the following amendment to the committee amendment:

AM1401

(Amendments to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendments:
- 2 1. Strike original section 9 and insert the following new section:
- 3 Sec. 23. The following section is outright repealed: Section
- 4 19-5209, Revised Statutes Cumulative Supplement, 2018.
- 5 3. On page 29, line 7, strike "19-5209,".
- 6 4. Renumber the remaining sections and correct internal references
- 7 accordingly.

Pending.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 560.** Placed on General File with amendment.

AM1414

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-2715.07, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 77-2715.07 (1) There shall be allowed to qualified resident
- 6 individuals as a nonrefundable credit against the income tax imposed by
- 7 the Nebraska Revenue Act of 1967:
- 8 (a) A credit equal to the federal credit allowed under section 22 of
- 9 the Internal Revenue Code; and
- 10 (b) A credit for taxes paid to another state as provided in section
- 11 77-2730.
- 12 (2) There shall be allowed to qualified resident individuals against
- 13 the income tax imposed by the Nebraska Revenue Act of 1967:
- 14 (a) For returns filed reporting federal adjusted gross incomes of
- 15 greater than twenty-nine thousand dollars, a nonrefundable credit equal
- 16 to twenty-five percent of the federal credit allowed under section 21 of
- 17 the Internal Revenue Code of 1986, as amended, except that for taxable
- 18 years beginning or deemed to begin on or after January 1, 2015, such
- 19 nonrefundable credit shall be allowed only if the individual would have
- 20 received the federal credit allowed under section 21 of the code after
- 21 adding back in any carryforward of a net operating loss that was deducted
- 22 pursuant to such section in determining eligibility for the federal
- 23 credit;

24 (b) For returns filed reporting federal adjusted gross income of  
25 twenty-nine thousand dollars or less, a refundable credit equal to a  
26 percentage of the federal credit allowable under section 21 of the  
27 Internal Revenue Code of 1986, as amended, whether or not the federal  
1 credit was limited by the federal tax liability. The percentage of the  
2 federal credit shall be one hundred percent for incomes not greater than  
3 twenty-two thousand dollars, and the percentage shall be reduced by ten  
4 percent for each one thousand dollars, or fraction thereof, by which the  
5 reported federal adjusted gross income exceeds twenty-two thousand  
6 dollars, except that for taxable years beginning or deemed to begin on or  
7 after January 1, 2015, such refundable credit shall be allowed only if  
8 the individual would have received the federal credit allowed under  
9 section 21 of the code after adding back in any carryforward of a net  
10 operating loss that was deducted pursuant to such section in determining  
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for  
13 individuals who qualify for an income tax credit as a qualified beginning  
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
15 for all taxable years beginning or deemed to begin on or after January 1,  
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income  
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
21 and

22 (e) A refundable credit equal to ten percent of the federal credit  
23 allowed under section 32 of the Internal Revenue Code of 1986, as  
24 amended, except that for taxable years beginning or deemed to begin on or  
25 after January 1, 2015, such refundable credit shall be allowed only if  
26 the individual would have received the federal credit allowed under  
27 section 32 of the code after adding back in any carryforward of a net  
28 operating loss that was deducted pursuant to such section in determining  
29 eligibility for the federal credit.

30 (3) There shall be allowed to all individuals as a nonrefundable  
31 credit against the income tax imposed by the Nebraska Revenue Act of  
1 1967:

2 (a) A credit for personal exemptions allowed under section  
3 77-2716.01;

4 (b) A credit for contributions to certified community betterment  
5 programs as provided in the Community Development Assistance Act. Each  
6 partner, each shareholder of an electing subchapter S corporation, each  
7 beneficiary of an estate or trust, or each member of a limited liability  
8 company shall report his or her share of the credit in the same manner  
9 and proportion as he or she reports the partnership, subchapter S  
10 corporation, estate, trust, or limited liability company income;

11 (c) A credit for investment in a biodiesel facility as provided in  
12 section 77-27,236;

13 (d) A credit as provided in the New Markets Job Growth Investment  
14 Act;

15 (e) A credit as provided in the Nebraska Job Creation and Mainstreet

16 Revitalization Act;

17 (f) A credit to employers as provided in section 77-27,238; and

18 (g) A credit as provided in the Affordable Housing Tax Credit Act.

19 (4) There shall be allowed as a credit against the income tax

20 imposed by the Nebraska Revenue Act of 1967:

21 (a) A credit to all resident estates and trusts for taxes paid to

22 another state as provided in section 77-2730;

23 (b) A credit to all estates and trusts for contributions to

24 certified community betterment programs as provided in the Community

25 Development Assistance Act; and

26 (c) A refundable credit for individuals who qualify for an income

27 tax credit as an owner of agricultural assets under the Beginning Farmer

28 Tax Credit Act for all taxable years beginning or deemed to begin on or

29 after January 1, 2009, under the Internal Revenue Code of 1986, as

30 amended. The credit allowed for each partner, shareholder, member, or

31 beneficiary of a partnership, corporation, limited liability company, or

1 estate or trust qualifying for an income tax credit as an owner of

2 agricultural assets under the Beginning Farmer Tax Credit Act shall be

3 equal to the partner's, shareholder's, member's, or beneficiary's portion

4 of the amount of tax credit distributed pursuant to subsection ~~(6)~~ (4) of

5 section 77-5211.

6 (5)(a) For all taxable years beginning on or after January 1, 2007,

7 and before January 1, 2009, under the Internal Revenue Code of 1986, as

8 amended, there shall be allowed to each partner, shareholder, member, or

9 beneficiary of a partnership, subchapter S corporation, limited liability

10 company, or estate or trust a nonrefundable credit against the income tax

11 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the

12 partner's, shareholder's, member's, or beneficiary's portion of the

13 amount of franchise tax paid to the state under sections 77-3801 to

14 77-3807 by a financial institution.

15 (b) For all taxable years beginning on or after January 1, 2009,

16 under the Internal Revenue Code of 1986, as amended, there shall be

17 allowed to each partner, shareholder, member, or beneficiary of a

18 partnership, subchapter S corporation, limited liability company, or

19 estate or trust a nonrefundable credit against the income tax imposed by

20 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,

21 member's, or beneficiary's portion of the amount of franchise tax paid to

22 the state under sections 77-3801 to 77-3807 by a financial institution.

23 (c) Each partner, shareholder, member, or beneficiary shall report

24 his or her share of the credit in the same manner and proportion as he or

25 she reports the partnership, subchapter S corporation, limited liability

26 company, or estate or trust income. If any partner, shareholder, member,

27 or beneficiary cannot fully utilize the credit for that year, the credit

28 may not be carried forward or back.

29 (6) There shall be allowed to all individuals nonrefundable credits

30 against the income tax imposed by the Nebraska Revenue Act of 1967 as

31 provided in section 77-3604 and refundable credits against the income tax

1 imposed by the Nebraska Revenue Act of 1967 as provided in section

2 77-3605.

3 Sec. 2. Section 77-5203, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-5203 For purposes of the Beginning Farmer Tax Credit Act:

6 (1) Agricultural assets means agricultural land, livestock, farming,  
7 or livestock production facilities or buildings and machinery used for  
8 farming or livestock production located in Nebraska;

9 (2) Board means the Beginning Farmer Board created by section  
10 77-5204;

11 (3) Cash rent agreement means a rental agreement in which the  
12 principal consideration given to the owner of agricultural assets is a  
13 predetermined amount of money. A flex or variable rent agreement is an  
14 alternative form of a cash rent agreement in which a predetermined base  
15 rent is adjusted for actual crop yield, crop price, or both according to  
16 a predetermined formula;

17 (4) ~~(3)~~ Farm means any tract of land over ten acres in area used for  
18 or devoted to the commercial production of farm products;

19 (5) ~~(4)~~ Farm product means those plants and animals useful to man  
20 and includes, but is not limited to, forages and sod crops, grains and  
21 feed crops, dairy and dairy products, poultry and poultry products,  
22 livestock, including breeding and grazing livestock, fruits, and  
23 vegetables;

24 (6) ~~(5)~~ Farming or livestock production means the active use,  
25 management, and operation of real and personal property for the  
26 production of a farm product;

27 (7) ~~(6)~~ Financial management program means a program for beginning  
28 farmers or livestock producers which includes, but is not limited to,  
29 assistance in the creation and proper use of record-keeping systems,  
30 periodic private consultations with licensed financial management  
31 personnel, year-end monthly cash flow analysis, and detailed enterprise  
1 analysis;

2 (8) ~~(7)~~ Owner of agricultural assets means:

3 (a) An individual or a trustee having an ownership interest in an  
4 agricultural asset located within the State of Nebraska who meets any  
5 qualifications determined by the board;

6 (b) A spouse, child, or sibling who acquires an ownership interest  
7 in agricultural assets as a joint tenant, heir, or devisee of an  
8 individual or trustee who would qualify as an owner of agricultural  
9 assets under subdivision (8)(a) ~~(7)(a)~~ of this section; or

10 (c) A partnership, corporation, limited liability company, or other  
11 business entity having an ownership interest in an agricultural asset  
12 located within the State of Nebraska which meets any additional  
13 qualifications determined by the board;

14 (9) ~~(8)~~ Qualified beginning farmer or livestock producer means an  
15 individual who is a resident individual as defined in section 77-2714.01,  
16 who has entered farming or livestock production or is seeking entry into  
17 farming or livestock production, who intends to farm or raise crops or  
18 livestock on land located within the state borders of Nebraska, and who  
19 meets the eligibility guidelines established in section 77-5209 and such  
20 other qualifications as determined by the board; and

21 (10) ~~(9)~~ Share-rent agreement means a rental agreement in which the  
22 principal consideration given to the owner of agricultural assets is a

23 predetermined portion of the production of farm products from the rented  
24 agricultural assets.

25 Sec. 3. Section 77-5209, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 77-5209 (1) The board shall determine who is qualified as a  
28 beginning farmer or livestock producer based on the qualifications found  
29 in this section. A qualified beginning farmer or livestock producer shall  
30 be an individual who: (a) Has a net worth of not more than two hundred  
31 thousand dollars, including any holdings by a spouse or dependent, based  
1 on fair market value; (b) provides the majority of the day-to-day  
2 physical labor and management of his or her farming or livestock  
3 production operations; (c) has, by the judgment of the board, adequate  
4 farming or livestock production experience or demonstrates knowledge in  
5 the type of farming or livestock production for which he or she seeks  
6 assistance from the board; (d) demonstrates to the board a profit  
7 potential by submitting board-approved projected earnings statements and  
8 agrees that farming or livestock production is intended to become his or  
9 her principal source of income; (e) demonstrates to the board a need for  
10 assistance; (f) participates in a financial management program approved  
11 by the board; (g) submits a nutrient management plan and a soil  
12 conservation plan to the board on any applicable agricultural assets  
13 purchased or rented from an owner of agricultural assets; and (h) has  
14 such other qualifications as specified by the board. The qualified  
15 beginning farmer or livestock producer net worth thresholds in  
16 subdivision (a) of this subsection shall be adjusted annually beginning  
17 October 1, 2009, and each October 1 thereafter, by taking the average  
18 Producer Price Index for all commodities, published by the United States  
19 Department of Labor, Bureau of Labor Statistics, for the most recent  
20 twelve available periods divided by the Producer Price Index for 2008 and  
21 multiplying the result by the qualified beginning farmer's or livestock  
22 producer's net worth threshold. If the resulting amount is not a multiple  
23 of twenty-five thousand dollars, the amount shall be rounded to the next  
24 lowest twenty-five thousand dollars.

25 (2) A qualified beginning farmer or livestock producer who has  
26 participated in a board approved and certified three-year rental  
27 agreement with an owner of agricultural assets shall be eligible to file  
28 subsequent applications for different assets.

29 ~~(2) A qualified beginning farmer or livestock producer who has~~  
30 ~~participated in a board approved and certified three year rental~~  
31 ~~agreement with an owner of agricultural assets shall not be eligible to~~  
1 ~~file a subsequent application with the board but may refer to the board~~  
2 ~~for additional support and participate in programs, including educational~~  
3 ~~and financial programs and seminars, established or recommended by the~~  
4 ~~board that are applicable to the continued success of such farmer or~~  
5 ~~livestock producer.~~

6 Sec. 4. Section 77-5209.01, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 77-5209.01 A qualified beginning farmer or livestock producer in the  
9 first, second, or third year of a qualifying three-year rental agreement  
10 shall be allowed a one-time refundable credit to be applied against the

11 ~~income tax imposed by the Nebraska Revenue Act of 1967 state income tax~~  
12 ~~liability of such individual~~ for the cost of participation in the  
13 financial management program required for eligibility under section  
14 77-5209. The amount of the credit shall be the actual cost of  
15 participation in an approved program incurred during the tax year for  
16 which the credit is claimed, up to a maximum of five hundred dollars.  
17 Sec. 5. Section 77-5211, Reissue Revised Statutes of Nebraska, is  
18 amended to read:  
19 77-5211 (1) Except as otherwise disallowed under subsection (4) ~~(5)~~  
20 of this section, an owner of agricultural assets shall be allowed a  
21 refundable credit ~~to be applied~~ against the ~~income tax imposed by the~~  
22 ~~Nebraska Revenue Act of 1967 state income tax liability of such owner~~ for  
23 agricultural assets rented on a rental agreement basis, including cash  
24 rent of agricultural assets or cash equivalent of a share-rent rental, to  
25 qualified beginning farmers or livestock producers. Such asset shall be  
26 rented at prevailing community rates as determined by the board.  
27 (2) An owner of agricultural assets who has participated in a board  
28 approved and certified three-year rental agreement with a beginning  
29 farmer or livestock producer shall be eligible to file subsequent  
30 applications for different assets.  
31 (3) Except as allowed pursuant to subsection (5) of this section,  
1 tax credits for an agricultural asset may be issued for a maximum of  
2 three years.  
3 (4) ~~(2)~~ The credit allowed shall be for renting agricultural assets  
4 used for farming or livestock production. Such credit shall be granted by  
5 the Department of Revenue only after approval and certification by the  
6 board and a written three-year rental agreement for such assets is  
7 entered into between an owner of agricultural assets and a qualified  
8 beginning farmer or livestock producer. An owner of agricultural assets  
9 or qualified beginning farmer or livestock producer may terminate such  
10 agreement for reasonable cause upon approval by the board. If an  
11 agreement is terminated without fault on the part of the owner of  
12 agricultural assets as determined by the board, the tax credit shall not  
13 be retroactively disallowed. If an agreement is terminated with fault on  
14 the part of the owner of agricultural assets as determined by the board,  
15 any prior tax credits claimed by such owner shall be disallowed and  
16 recaptured and shall be immediately due and payable to the State of  
17 Nebraska.  
18 (5) ~~(3)~~ A credit may be granted to an owner of agricultural assets  
19 for renting agricultural assets, including cash rent of agricultural  
20 assets or cash equivalent of a share-rent agreement, to any qualified  
21 beginning farmer or livestock producer for a period of three years. An  
22 owner of agricultural assets shall ~~not~~ be eligible for further credits  
23 for such assets under the Beginning Farmer Tax Credit Act when unless the  
24 rental agreement is terminated prior to the end of the three-year period  
25 through no fault of the owner of agricultural assets. If the board finds  
26 that such a termination was not the fault of the owner of the  
27 agricultural assets, it may approve the owner for credits arising from a  
28 subsequent qualifying rental agreement on the same asset with a different  
29 qualified beginning farmer or livestock producer.

30 (6) (4) Any credit allowable to a partnership, a corporation, a  
 31 limited liability company, or an estate or trust may be distributed to  
 1 the partners, members, shareholders, or beneficiaries. Any credit  
 2 distributed shall be distributed in the same manner as income is  
 3 distributed.

4 (7) (5) The credit allowed under this section shall not be allowed  
 5 to an owner of agricultural assets for a rental agreement with a  
 6 beginning farmer or livestock producer who is a relative, as defined in  
 7 section 36-702, of the owner of agricultural assets or of a partner,  
 8 member, shareholder, or trustee of the owner of agricultural assets  
 9 unless the rental agreement is included in a written succession plan.  
 10 Such succession plan shall be in the form of a written contract or other  
 11 instrument legally binding the parties to a process and timetable for the  
 12 transfer of agricultural assets from the owner of agricultural assets to  
 13 the beginning farmer or livestock producer. The succession plan shall  
 14 provide for the transfer of assets to be completed within a period of no  
 15 longer than thirty years, except that when the asset to be transferred is  
 16 land owned by an individual, the period of transfer may be for a period  
 17 up to the date of death of the owner. The owner of agricultural assets  
 18 shall be allowed the credit provided for qualified rental agreements  
 19 under this section if the board certifies the plan as providing a  
 20 reasonable manner and probability of successful transfer.

21 Sec. 6. Section 77-5212, Reissue Revised Statutes of Nebraska, is  
 22 amended to read:

23 77-5212 In evaluating a rental agreement between an owner of  
 24 agricultural assets and a qualified beginning farmer or livestock  
 25 producer, the board shall not approve and certify credit for an owner of  
 26 agricultural assets who ~~(4)~~ has, with fault, terminated a prior board  
 27 approved and certified rental agreement with a qualified beginning farmer  
 28 or livestock producer or if the agricultural assets have previously been  
 29 approved in a qualifying rental agreement (2) is proposing a rental  
 30 agreement of agricultural assets which, if rented to a qualified  
 31 beginning farmer or livestock producer, would cause the lessee to be  
 1 responsible for managing or maintaining a farm which, based on the  
 2 discretion of the board, is of greater scope and scale than necessary for  
 3 a viably sized farm as established by the guidelines implemented by the  
 4 board in order to adequately support a beginning farmer or livestock  
 5 producer. Any person aggrieved by a decision of the board may appeal the  
 6 decision, and the appeal shall be in accordance with the Administrative  
 7 Procedure Act.

8 Sec. 7. Original sections 77-2715.07, 77-5203, 77-5209, 77-5209.01,  
 9 77-5211, and 77-5212, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Linehan filed the following amendment to LB289:  
 AM1381 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING(S)**  
Revenue/Nebraska Retirement Systems/Education

Room 1510

Wednesday, April 24, 2019 4:00 p.m.

AM1381

Note: Amendment to LB289

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 657.** Placed on Select File with amendment.

ER87

1 1. In the Standing Committee amendments, AM988:

2 a. On page 3, line 30, strike "Substance" and insert "Substances";

3 b. On page 6, line 31; and page 9, line 5, strike "85-712.09" and

4 insert "84-712.09";

5 c. On page 9, line 31; page 15, line 16; and page 18, line 14;

6 strike "of" and insert "after";

7 d. On page 16, line 1, strike "lab" and insert "testing facility";

8 and in line 20 after the first two commas insert "the"; and

9 e. On page 18, line 1, strike "and".

10 2. On page 1, strike beginning with "28-401" in line 1 through line

11 5 and insert "2-5701, Revised Statutes Cumulative Supplement, 2018; to

12 adopt the Nebraska Hemp Farming Act; to change provisions relating to the

13 industrial hemp agricultural pilot program; to define and redefine terms;

14 to provide severability; to repeal the original section; and to declare

15 an emergency."

**LEGISLATIVE BILL 693.** Placed on Select File.

**LEGISLATIVE BILL 237.** Placed on Select File with amendment.

ER88

1 1. On page 1, strike beginning with "section" in line 1 through line

2 4 and insert "sections 77-2703 and 77-5601, Reissue Revised Statutes of

3 Nebraska; to change provisions relating to sales and use tax collection

4 fees; to authorize the use of certain fees for revenue enforcement; to

5 harmonize provisions; to provide an operative date; and to repeal the

6 original sections."

**LEGISLATIVE BILL 237A.** Placed on Select File.

**LEGISLATIVE BILL 496.** Placed on Select File.

**LEGISLATIVE BILL 375.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 424.** The Hilgers amendment, AM1401, found in this day's Journal, to the committee amendment, was renewed.

Pending.

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

Senator Friesen filed the following amendment to LB585:  
AM1419

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. For purposes of sections 1 to 7 of this act:
- 4 (1) Department means the Department of Environment and Energy;
- 5 (2) E-15 means a blend of ethanol and gasoline in which ethanol
- 6 comprises fifteen percent of the blend by volume;
- 7 (3) E-85 means a blend of ethanol and gasoline in which ethanol
- 8 comprises seventy percent or more of the blend by volume;
- 9 (4) Motor fuel pump means a meter or similar commercial weighing and
- 10 measuring device used to measure and dispense motor fuel originating from
- 11 a motor fuel storage tank;
- 12 (5) Program means the Renewable Fuel Infrastructure Program created
- 13 in section 2 of this act;
- 14 (6) Retail dealer means a person engaged in the business of storing
- 15 and dispensing motor fuel from a motor fuel pump for sale on a retail
- 16 basis; and
- 17 (7) Retail motor fuel site means a geographic location in this state
- 18 where a retail dealer sells and dispenses motor fuel from a motor fuel
- 19 pump on a retail basis.
- 20 Sec. 2. The Renewable Fuel Infrastructure Program is created. The
- 21 purpose of the program is to improve retail motor fuel sites by
- 22 installing, replacing, or converting ethanol infrastructure to be used to
- 23 store, blend, or dispense renewable fuel. The program shall function as a
- 24 grant program administered by the department. Grant applications shall be
- 25 made on a form prescribed by the department. Grant funds shall be
- 26 distributed to eligible persons for eligible ethanol infrastructure
- 27 projects under the requirements in section 3 of this act.
- 1 Sec. 3. (1) A person shall be eligible to apply for a grant under
- 2 the program if the person is an owner or operator of a retail motor fuel
- 3 site.
- 4 (2) An ethanol infrastructure project shall be eligible for a grant
- 5 under the program if such project is:
- 6 (a) Designed and used exclusively to store and dispense E-15
- 7 gasoline or E-85 gasoline or a blend of ethanol and gasoline from a motor
- 8 fuel pump designed to blend such motor fuels together in blends higher
- 9 than E-15. Such E-15 gasoline shall be a registered fuel recognized by
- 10 the United States Environmental Protection Agency;

11 (b) On the premises of a retail motor fuel site; and  
12 (c) Subject to a cost-share agreement as described in section 5 of  
13 this act.  
14 (3) An ethanol infrastructure project shall not be eligible for a  
15 grant under the program if such infrastructure includes a tank vehicle.  
16 Sec. 4. Any eligible person applying for a grant under the program  
17 shall include the following information in the application:  
18 (1) The name of the person and the address of the retail motor fuel  
19 site to be improved;  
20 (2) A detailed description of the infrastructure to be installed,  
21 replaced, or converted, including, but not limited to, the model number  
22 of each motor fuel storage tank to be installed, replaced, or converted,  
23 if available;  
24 (3) A statement describing how the retail motor fuel site is to be  
25 improved, the estimated cost of the planned improvement, and the date  
26 when the infrastructure will be first used; and  
27 (4) A statement certifying the infrastructure project complies with  
28 section 3 of this act and will comply with a cost-share agreement entered  
29 into with the department pursuant to section 5 of this act unless granted  
30 a waiver by the department.  
31 Sec. 5. (1) The department shall determine the amount of the grants  
1 to be awarded under the program. The department shall award grants to the  
2 maximum number of qualified applicants and may approve up to one million  
3 dollars in grants in any calendar year.  
4 (2) The department shall approve and execute a cost-share agreement  
5 according to terms and conditions set by the department with an eligible  
6 person whose application is approved by the department for such grant.  
7 Such cost-share agreement shall state the total costs related to  
8 improving a retail motor fuel site, the amount of the grant, and whether  
9 the agreement is for a three-year or five-year period.  
10 (3) In awarding grants under the program, an award shall not exceed  
11 (a) fifty percent of the estimated cost of the improvement or thirty  
12 thousand dollars, whichever is less, for a three-year cost-share  
13 agreement, or (b) seventy percent of the estimated costs of making the  
14 improvement or fifty thousand dollars, whichever is less, for a five-year  
15 cost-share agreement. The department may approve multiple improvements to  
16 the same retail motor fuel site so long as the total amount of the grants  
17 does not exceed the limitations in this subsection.  
18 Sec. 6. A retail motor fuel site that is improved using grants  
19 under the program shall comply with federal and state standards governing  
20 new or upgraded motor fuel storage tanks used to store and dispense  
21 renewable fuels. A retail motor fuel site that is improved using grants  
22 under the program shall not use such infrastructure to store and dispense  
23 motor fuel other than the type of renewable fuel approved by the  
24 department in the cost-share agreement, unless granted a waiver by the  
25 department.  
26 Sec. 7. The Renewable Fuel Infrastructure Fund is created. The fund  
27 shall consist of appropriations made by the Legislature, transfers  
28 authorized by the Legislature, grants, and any contributions designated

29 for the purpose of the fund. Any money in the fund available for  
 30 investment shall be invested by the state investment officer pursuant to  
 31 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 1 Investment Act. The fund shall be administered by the department and used  
 2 to award grants under the program. No more than ten percent of the fund  
 3 shall be used for administration of the program.  
 4 Sec. 8. This act becomes operative on January 1, 2020.

Senator McDonnell filed the following amendment to LB641:  
 AM1421

(Amendments to Standing Committee amendments, AM724)

1 1. Strike section 2 and insert the following new section:  
 2 Sec. 2. Section 71-761 1, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
 5 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
 6 on or before July 15, 2014, (b) sixty million three hundred fifty  
 7 thousand dollars on or before July 15, 2015, (c) sixty million three  
 8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
 9 million seven hundred thousand dollars on or before July 15, 2017, (e)  
 10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
 11 million six hundred thousand dollars on or before July 15, 2018, (g)  
 12 sixty-one million ~~six~~ ~~three~~ hundred fifty thousand dollars on or before  
 13 July 15, 2019, ~~and~~ (h) sixty million seven hundred fifty thousand dollars  
 14 on or before July 15, 2020, and (i) sixty million four hundred ~~five~~  
 15 thousand dollars on or before every July 15 thereafter from the Nebraska  
 16 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
 17 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount  
 18 shall be reduced by the amount of the unobligated balance in the Nebraska  
 19 Health Care Cash Fund at the time the transfer is made. The state  
 20 investment officer shall advise the State Treasurer on the amounts to be  
 21 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
 22 until the fund balance is depleted and from the Nebraska Tobacco  
 23 Settlement Trust Fund thereafter in order to sustain such transfers in  
 24 perpetuity. The state investment officer shall report electronically to  
 25 the Legislature on or before October 1 of every even-numbered year on the  
 26 sustainability of such transfers. The Nebraska Health Care Cash Fund  
 1 shall also include money received pursuant to section 77-2602. Except as  
 2 otherwise provided by law, no more than the amounts specified in this  
 3 subsection may be appropriated or transferred from the Nebraska Health  
 4 Care Cash Fund in any fiscal year.  
 5 The State Treasurer shall transfer ten million dollars from the  
 6 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
 7 June 28, 2018, and June 28, 2019.  
 8 Except as otherwise provided in subsection (6) of this section, it  
 9 is the intent of the Legislature that no additional programs are  
 10 funded through the Nebraska Health Care Cash Fund until funding for all  
 11 programs with an appropriation from the fund during FY2012-13 are  
 12 restored to their FY2012-13 levels.

13 (2) Any money in the Nebraska Health Care Cash Fund available for  
 14 investment shall be invested by the state investment officer pursuant to  
 15 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 16 Investment Act.

17 (3) The University of Nebraska and postsecondary educational  
 18 institutions having colleges of medicine in Nebraska and their affiliated  
 19 research hospitals in Nebraska, as a condition of receiving any funds  
 20 appropriated or transferred from the Nebraska Health Care Cash Fund,  
 21 shall not discriminate against any person on the basis of sexual  
 22 orientation.

23 (4) The State Treasurer shall transfer fifty thousand dollars on or  
 24 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
 25 Board of Regents of the University of Nebraska for the University of  
 26 Nebraska Medical Center. It is the intent of the Legislature that these  
 27 funds be used by the College of Public Health for workforce training.

28 (5) It is the intent of the Legislature that the cost of the staff  
 29 and operating costs necessary to carry out the changes made by Laws 2018,  
 30 LB439, and not covered by fees or federal funds shall be funded from the  
 31 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

1 (6) It is the intent of the Legislature to fund the grants to be  
 2 awarded pursuant to section 1 of this act with the Nebraska Health Care  
 3 Cash Fund for FY2019-20 and FY2020-21.

4 2. On page 1, after line 26 insert the following new subsection:

5 "(5) There is hereby created the 211 Cash Fund. The fund shall be  
 6 used solely for the purpose of providing grants pursuant to this section  
 7 and associated administrative costs. All money received by the Public  
 8 Service Commission for such grants shall be remitted to the State  
 9 Treasurer for credit to such fund. Any money in the fund available for  
 10 investment shall be invested by the state investment officer pursuant to  
 11 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 12 Investment Act."

Senator Hilgers filed the following amendment to LB424:

AM1403

(Amendments to Standing Committee amendments, AM509)

1 1. Insert the following new amendments:

2 2. On page 9, strike beginning with "(a)" in line 27 through line 31  
 3 and insert "A member of the board may be removed for any reason by the  
 4 chief executive officer of the municipality that created the land bank  
 5 or, in the case of a land bank created pursuant to subsection (2) or (3)  
 6 of section 4 of this act, the chief executive officer of the municipality  
 7 where the member resides."

8 3. On page 12, strike lines 1 through 21.

Senator Erdman filed the following amendment to LB177:

AM1408

1 1. Insert the following new section:

2 Section 1. Section 2-3226.11, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:

4 2-3226.11 (1) The proceeds of bonds issued pursuant to section  
5 2-3226.10 shall be used to pay costs of design, rights-of-way  
6 acquisition, and construction of multipurpose projects and practices for  
7 storm water management within the natural resources district issuing such  
8 bonds, including flood control and water quality. For purposes of this  
9 section, flood control and water quality projects and practices include,  
10 but are not limited to, low-impact development best management measures,  
11 flood plain buyout, dams, reservoir basins, and levees. The proceeds of  
12 bonds issued pursuant to section 2-3226.10 shall not be used to fund  
13 combined sewer separation projects in a city of the metropolitan class.  
14 No project for which bonds are issued under section 2-3226.10 shall  
15 include a reservoir or water quality basin having a permanent pool  
16 greater than four hundred surface acres. Any project having a permanent  
17 pool greater than twenty surface acres shall include multiple public  
18 access points to any recreational area including, but not limited to, any  
19 hiking trail, fishing area, picnic area, or playground at or near such  
20 pool provide for public access.  
21 (2) A district shall only convey real property that is acquired for  
22 a project described in subsection (1) of this section by eminent domain  
23 proceedings pursuant to sections 76-704 to 76-724 to a political  
24 subdivision or an agency of state or federal government.  
25 (3)(a) Prior to the issuing of bonds pursuant to section 2-3226.10  
26 or expending funds of a natural resources district encompassing a city of  
27 the metropolitan class to pay costs of a reservoir or water quality basin  
1 project or projects greater than twenty surface acres, a county board of  
2 the affected county may pass a resolution stating that it does not  
3 approve of the construction of such reservoir or water quality basin  
4 project or projects within its ~~exclusive~~ zoning jurisdiction. The county  
5 board shall hold a public hearing and shall vote on the resolution within  
6 ninety days after notice from the board of directors of the natural  
7 resources district of its intent to issue bonds.  
8 (b) No proceeds from bonds issued pursuant to section 2-3226.10 or  
9 funds of a natural resources district encompassing a city of the  
10 metropolitan class may be used to pay costs of a reservoir or water  
11 quality basin project or projects greater than twenty surface acres if  
12 the county board of the affected county passes such a resolution.  
13 (c) Sections 2-3226.10 to 2-3226.14 do not (i) limit the authority  
14 of a natural resources district with regard to reservoirs, water quality  
15 basin projects, or other projects of less than twenty surface acres or  
16 (ii) prohibit use of funds of a natural resources district for  
17 preliminary studies or reports necessary, in the discretion of the board  
18 of directors of the natural resources district, to determine whether a  
19 reservoir or water quality basin project should be presented to a county  
20 board pursuant to this section.  
21 (4) Proceeds of bonds issued pursuant to section 2-3226.10 shall not  
22 be used to fund any project in any city or county (a) located within a  
23 watershed in which is located a city of the metropolitan class and (b)  
24 which is party to an agreement under the Interlocal Cooperation Act,  
25 unless such city or county has adopted a storm water management plan

26 approved by the board of directors of the natural resources district  
27 encompassing a city of the metropolitan class.  
28 (5) A natural resources district encompassing a city of the  
29 metropolitan class shall only issue bonds for projects in cities and  
30 counties that have adopted zoning regulations or ordinances that comply  
31 with state and federal flood plain management rules and regulations.  
1 2. Renumber the remaining sections and correct the repealer  
2 accordingly.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 460A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 460, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

**LEGISLATIVE BILL 641A.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Sixth Legislature, First Session, 2019.

### **SPEAKER SCHEER PRESIDING**

#### **CEREMONIES**

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

#### **VISITOR(S)**

Visitors to the Chamber were students from Grant Elementary School, Norfolk; and students from Niobrara.

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

### **ADJOURNMENT**

At 4:04 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, April 18, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SECOND DAY - APRIL 18, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 18, 2019

**PRAYER**

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

**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 Senator Vargas who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-first day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

April 17, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 34e, 217, 243e, 269, 270, 348, 409, 449, 590, and 619 were received in my office on April 11, 2019.

These bills were signed and delivered to the Secretary of State on April 17, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 17, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Husch Blackwell Strategies  
Enhanced Capital  
Paige Wireless  
McDonald, Edison  
GC Resolve, LLC

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**ATTORNEY GENERAL'S OPINION**Opinion 19-004

SUBJECT:            Constitutionality of LB 644—the *Nebraska Workforce Diploma Act*

REQUESTED BY:    Senator Mike McDonnell  
                      Nebraska State Legislature

WRITTEN BY:       Douglas J. Peterson, Attorney General  
                      Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of Legislative Bill 644, which would create the "Nebraska Workforce Diploma Act" (Act). You indicate in your opinion request letter that LB 644 "authorizes the Nebraska Department of Labor to institute a program providing a pathway for adults without a high school diploma to earn the missing credits necessary to receive a high school diploma." You state that "[u]nder the Act, an 'eligible workforce diploma program' is defined as an 'accredited or approved, public or private, high school provider.'" Program providers are directly reimbursed by the Department of Labor when students reach certain educational milestones described in the bill. You question whether LB 644 violates Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision . . . ." You have also inquired whether a distinction exists between state "funding for private providers of K-12 high school programs

for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" Our responses to your inquiries are set out below.

#### LEGISLATIVE BILL 644

Sections two to six of LB 644 create the Act. Section 3 requires the Department of Labor (Labor), on or before August 15, 2019, and each year thereafter, to "request applications from eligible program providers to participate in the workforce diploma program." Sec. 3(2). An "eligible workforce diploma program provider" is defined as

an accredited or approved, public or private, high school provider. An eligible program provider shall also have at least two years of experience providing adult dropout recovery services, including recruitment, learning plan development, and proactive coaching and mentoring culminating in qualification for a high school diploma.

Sec. 3(1). Participants in the workplace diploma program must be at least twenty-two years of age and have no high school diploma or high school equivalency diploma. *Id.* A "workplace diploma program" is not defined.

Providers applying to participate in the program must demonstrate "evidence" of several criteria, including "[a]ccreditation or approval by the State Department of Education or accreditation by a recognized regional accrediting body or consolidation thereof."<sup>1</sup> Sec. 3(2)(a)-(k). A workplace diploma program may be offered "in a campus-based, blended or online modality." Sec. 3(3). Labor is required to announce the approved providers on or before September 15, 2019. Providers are then required to establish a program and begin accepting students on or before October 15, 2019. Unless otherwise required in the Act, a provider is not required to reapply once approved. Sec. 3(4).

Section 4 requires Labor to reimburse each provider participating in the program an amount which correlates to a student's completion of a specific "milestone." The bill lists six milestones, beginning with a \$250 reimbursement for the completion of five credit hours,<sup>2</sup> and culminating in a \$1,000 reimbursement when a "high school diploma" is attained. Sec. 4(1)(a)-(f). Labor is required to reimburse providers based on the order of invoices received until all available funds are exhausted. Sec. 4(3). Section 5 sets out the reporting requirements and the minimum program performance standards for providers. Section 6 sets out the legislative intent to

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<sup>1</sup> The bill is silent as to what standards the State Department of Education or other accrediting body would employ to accredit or approve the entities seeking to become providers under the program.

<sup>2</sup> For purposes of section 4, "five credits equals one unit of instruction that correlates to one semester of one course in the traditional high school environment." Sec. 4(2).

appropriate \$2,500,000 for fiscal years 2019-20 and 2020-21 to carry out the provisions of the Act. Finally, Section 8 includes an emergency clause.

The Introducer's Statement of Intent for LB 644 indicates that

[i]n an effort to promote workforce development in Nebraska, LB 644 is intended to provide the framework for creation, administration, and implementation of an adult workforce diploma program that would provide adults, at least twenty-two years of age, the opportunity to complete their high school diploma and develop critical career and technical skills to prepare for employment.

Procedurally, the bill was scheduled for hearing by the Legislature's Business and Labor Committee on February 11, 2019. It remains in committee.

### **RELEVANT CONSTITUTIONAL, STATUTORY AND REGULATORY PROVISIONS**

#### Nebraska Constitution

Three provisions in the Nebraska Constitution are pertinent to your inquiries. First, Neb. Const. art. VII, § 1 provides, in pertinent part, that "[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Second, Neb. Const. art. VII, § 2 provides that "[t]he State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct." Third, Neb. Const. art. VII, § 11 states, in pertinent part, that "[n]otwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof . . . ."

#### Revised Statutes of Nebraska

Several provisions of law govern the qualifications for and issuance of high school diplomas and their equivalents. With respect to high school diplomas awarded to an individual attending high school, Neb. Rev. Stat. § 79-729 (2014) states:

The Legislature recognizes the importance of assuring that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding. Beginning in school year 1987-88, each high school student shall complete a minimum of two hundred high school credit hours prior to graduation. At least eighty percent of such credit hours shall be core curriculum courses prescribed by the State Board of Education. The State Board of

Education may establish recommended statewide graduation guidelines. This section does not apply to high school students whose individualized education plans prescribe a different course of instruction. This section does not prohibit the governing board of any high school from prescribing specific graduation guidelines as long as such guidelines do not conflict with this section. For purposes of this section, high school means grades nine through twelve and credit hour shall be defined by appropriate rules and regulations of the State Board of Education but shall not be less than the amount of credit given for successful completion of a course which meets at least one period per week for at least one semester.

Neb. Rev. Stat. §§ 79-730 to 79-733 (2014) pertain to diplomas of high school equivalency.<sup>3</sup> The Commissioner of Education may issue this diploma to any person when the conditions enumerated in Neb. Rev. Stat. § 79-730 are met. A diploma of high school equivalency "convey[s] all the significance and privilege of a regular high school diploma." *Id.* Under Neb. Rev. Stat. § 79-733, the University of Nebraska, the state colleges, and the community colleges must accept diplomas of high school equivalency for enrollment purposes.<sup>4</sup>

#### Nebraska Administrative Code

In accordance with the authority in Neb. Rev. Stat. § 79-732 (2014) and § 79-2307 (2014), the State Board of Education has adopted and promulgated Title 92, *Nebraska Administrative Code*, Chapter 81, *Rules and Regulations for the High School Equivalency Program* (rev. April 27, 2016)<sup>5</sup> (Rule 81) and Title 92, *Nebraska Administrative Code*, Chapter 82, *Regulations Governing the Diploma of High School Equivalency Assistance Act* (rev. March 20, 2016) (Rule 82). Under Rule 81, § 002.01, the approved test for purposes of attaining a diploma of high school equivalency is "the General Educational Development Test as prepared and furnished by GED<sup>®</sup> Testing Service." Applicants are required to register online with the GED<sup>®</sup> Testing Service (§ 004.01), and the minimum passing scores are determined by the GED<sup>®</sup> Testing Service in effect at the time the test is taken

<sup>3</sup> Legislation giving the State Board of Education authority to issue "certificates" of high school equivalency was first enacted in 1959. *See* 1959 Neb. Laws LB 249 [Session Laws, 1959, ch. 399, page 1358].

<sup>4</sup> In 2013, the Nebraska Legislature adopted the Diploma of High School Equivalency Assistance Act, Neb. Rev. Stat. §§ 79-2301 to 79-2308 (2014, Cum. Supp. 2018). Under Neb. Rev. Stat. § 79-2302 (2014), "[t]he purpose of the . . . [a]ct is to provide assistance to institutions which offer high school equivalency programs in order to defray the costs associated with participation in such programs."

<sup>5</sup> The earliest regulations pertaining to diplomas of high school equivalency date back to January 1978.

(§ 005.01A). "Official GED<sup>®</sup> Testing Centers" include Nebraska public secondary and postsecondary institutions authorized by the Commissioner of Education to administer the GED<sup>®</sup> test (§ 002.04).

### ANALYSIS

You have asked whether LB 644 would violate Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof . . ." Obviously, the answer to your question depends on the type of provider selected to operate a workforce diploma program. The bill defines a provider as "an accredited or approved, public or private, high school provider." A "high school provider" is not defined in the bill and, on its face, could encompass a variety of entities, like a school district or community college. However, it is our understanding that LB 644 is premised on private companies acting as high school providers, so we will respond to your questions on that basis. Also, based on your opinion request letter, a high school provider, which must be accredited or approved by the State Department of Education or other recognized accrediting body, is presumed to be a private school under the Act.

#### Neb. Const. art. VII, § 11

Our analysis begins with the fundamental principle that the Nebraska Legislature has plenary legislative authority except as limited by the state and federal Constitutions. *Lenstrom v. Thone*, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981) ["*Lenstrom*"]. "The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution." *Id.*; *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

The question as to whether a high school provider can receive appropriations of public funds is controlled by a series of Nebraska Supreme Court cases construing art. VII, § 11. In *Lenstrom*, the Nebraska Supreme Court determined that a scholarship program providing financial assistance directly to students attending eligible postsecondary institutions did not violate art. VII, § 11. The court noted that "[t]he literal language of the [provision] prohibits 'appropriation . . . to' any school not owned by the state." *Id.* at 787, 311 N.W.2d at 887. It further noted that the Legislature was free to enact laws and appropriate funds for any public purpose unless restricted by the state or federal Constitution. *Id.* at 789, 311 N.W.2d at 888. The court found that art. VII, § 11 did not prohibit appropriations to students attending nonpublic schools, and it was not for the court to determine, absent "some plain restriction in the Constitution" that the scholarship program did not serve a public purpose. *Id.* at 791, 311 N.W.2d at 889.

In *State ex rel. Bouc v. School Dist. of City of Lincoln*, 211 Neb. 731, 320 N.W.2d 472 (1982), a parent of a student attending private school sought a writ of mandamus to compel the local school district to provide bus

transportation for the child. The request was based on a statute that requires a public school district, in the event it provides transportation facilities for its students, to extend those facilities to children in approved nonpublic private schools under certain circumstances. The trial court found the statute to be constitutional, and ordered the school district to provide the requested bus service. *Id.* at 732, 320 N.W.2d at 474. Drawing on its recent holding in *Lenstrom*, the court found that "[t]he record . . . does not reflect that this is an instance involving a direct appropriation of public funds to a nonpublic institution" and that "any benefit that may inure to the nonprofit private institution is merely incidental and certainly cannot be deemed to be an 'appropriation . . . to' that institution." *Id.* at 737, 320 N.W.2d at 476.

In *State ex rel. Creighton University v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984), Creighton University sought a writ of mandamus requiring the state health director to consider its contract proposal for cancer research authorized under Neb. Rev. Stat. §§ 81-637 to 81-640 (Reissue 1981). Those statutes specified the considerations to be taken by the director in making grants and contracts for the research of cancer and smoking diseases. Regulations subsequently adopted under those statutes limited the contract awards to only the University of Nebraska or any other Nebraska public postsecondary institution having a college of medicine. *Id.* at 685-86, 353 N.W.2d at 270. The trial court issued a writ a mandamus finding, *inter alia*, that the regulations should be drafted to permit private institutions with a college of medicine in Nebraska to qualify for the contracts. On appeal, since the statutes at issue did not set aside money for Creighton's use or "vest in Creighton any right to receive state funds," the court concluded that "there [was] no appropriation of public funds to Creighton." *Id.* at 690, 353 N.W.2d at 272.<sup>6</sup>

Legislative bill 644 would create a workplace diploma program where an approved provider is authorized to receive reimbursements directly from the governing state agency based on educational milestones achieved by the students enrolled in the program. A provider is required to "submit monthly invoices to [Labor] no later than the tenth day of each month for milestones met in the previous calendar month." Sec. 4(3). In addition, "[t]he department shall reimburse approved program providers in the order in which invoices are received *until all funds appropriated for the workforce diploma program are exhausted.*" *Id.* (emphasis added).

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<sup>6</sup> See also *Father Flanagan's Boys Home v. Dept. of Social Services*, 255 Neb. 303, 583 N.W.2d 774 (1998) (Finding constitutional a statute requiring the state to pay the educational costs of state wards in a nonpublic school.); and *Cunningham v. Lutjeharms*, 231 Neb. 756, 437 N.W.2d 806 (1989) (A statute requiring public school districts to purchase and lend textbooks to students in private schools determined to be constitutional where the court found that the statute permitted neither the distribution of public funds nor the loaning of publicly owned textbooks to private schools.)

Article VII, § 11 "prohibits appropriations by the Legislature to nonpublic schools." *Cunningham v. Lutjeharms*, 231 Neb. 756, 759, 437 N.W.2d 806, 809 (1989) (emphasis in original). "Regarding appropriation of public funds, to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case." *State ex rel. Creighton* at 688, 353 N.W.2d at 271. In the cases set out above, the Nebraska Supreme Court found the various statutes at issue to be constitutional because there was no direct appropriation of funds to the nonpublic schools involved and any benefit that might inure to the schools was merely incidental. Here, LB 644 requires, on its face, that public funds be set aside to directly reimburse the nonpublic school providers. The benefit to the provider is in no way incidental; it is a direct monetary payment to a provider. Consequently, we conclude that the direct reimbursements to a nonpublic school provider contemplated in the Nebraska Workplace Diploma Act contravene art. VII, § 11, and find LB 644 unconstitutional on this basis.<sup>7</sup>

Your second question asks us to consider whether a distinction exists "between the state providing funding for private providers of K-12 high school programs for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" The constitutional provision implicated by your question, art. VII, § 1, requires the Legislature to "provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Your question suggests that art. VII, § 11 may not apply to LB 644 because the individuals participating in the program will be over twenty-one.

"In ascertaining the intent of a constitutional provision from its language, the court may not supply any supposed omission, or add words to or take words from the provision as framed. Constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore construction is necessary." *Pony Lake School Dist. 30 v. State Comm. for the Reorg. of School Dists.*, 271 Neb. 173, 185, 710 N.W.2d 609, 620 (2006) (internal citations omitted). The prohibition under art. VII, § 11 is the appropriation of public funds to nonpublic schools. An exception in this provision allows the state to contract with nonpublic schools for nonsectarian services for the benefit of disabled children under the age of twenty-one. However, there are no other exceptions or distinctions in art. VII, § 11 that would obviate the prohibition.

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<sup>7</sup> While not encompassed in your opinion request letter, we also believe there is a serious question whether LB 644 unconstitutionally divests the State Department of Education of its constitutional authority to supervise and administer the school system of the state. See *State ex rel. Ry. Com'n v. Ramsey*, 151 Neb. 333, 37 N.W.2d 502 (1949).

In addition, a presumption that school districts are limited to providing "high school" instruction to individuals up to the age of twenty-one is misplaced. Under Neb. Rev. Stat. § 79-11,133 (2014), school districts may provide for the instruction of any person who is sixteen years old or older, who is not in high school and not required to be in high school, and "who lacks sufficient mastery of basic educational skills to enable him or her to function effectively in society . . . ." <sup>8</sup> There is no distinction to be drawn regarding the age of the individual receiving the instruction. As such, our conclusion that LB 644 violates art. VII, § 11 remains unchanged.

Neb. Const. art. III, § 25

Neb. Const. art. III, § 25 provides, in pertinent part, that

[n]o money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

In 1979, the Legislature enacted laws to clarify what constitutes a "specific appropriation" under art. III, § 25. In that regard, Neb. Rev. Stat. § 49-804 (2010) provides:

An appropriation shall only exist when the following criteria have been met:

- (1) There shall be included the phrase there is hereby appropriated;
- (2) A specific fund type shall be identified and the fund shall be appropriated;
- (3) The amount to be appropriated from such fund shall be identified;
- (4) A specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
- (5) The time period during which such funds shall be expended shall be identified.

In addition, Neb. Rev. Stat. § 49-805 (2010) states that "[a]ny legislation not meeting the criteria established in section 49-804 shall not be considered a valid appropriation as defined in Article III, section 22, of the Nebraska Constitution."

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<sup>8</sup> See also Neb. Rev. Stat. §§ 79-11,134 to 79-11,135 (2014), which govern the Adult Education Program established in the State Department of Education.

Section 6 of LB 644 indicates that "[i]t is the intent of the Legislature to appropriate two million five hundred thousand dollars each fiscal year for fiscal years 2019-20 and 2020-21 to the Department of Labor to carry out the Nebraska Workforce Diploma Act." And as noted by the Legislative Fiscal Analyst's Office in its Fiscal Note to LB 644, prepared February 6, 2019: "LB 644 is silent regarding the fund source for the appropriation intended in section 6. It is assumed that funding would come from the General Fund." Obviously, Section 6 does not contain all of the criteria listed in § 49-804 and, as a result, does not constitute "a specific appropriation made by law" required under art. III, § 25; § 49-804; and the *Rules of the Nebraska Unicameral Legislature*, Rule 5, Sec. 2(d) (adopted January 23, 2019).

### CONCLUSION

Based on the foregoing, we conclude that LB 644's authorization of direct reimbursement payments to a nonpublic school provider operating a workforce diploma program is an impermissible appropriation of public funds in violation of Neb. Const. art. VII, § 11. We further conclude that the intent language in Section 6 of the bill is insufficient to constitute a valid appropriation of public funds under applicable Nebraska law.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-2184-29

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 86.** Introduced by Lathrop, 12; Bolz, 29; Chambers, 11; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Nancy Hicks Rose spent 46 years as a journalist in Nebraska, including more than 20 years reporting on state government and the Legislature for newspapers in Lincoln and Omaha; and

WHEREAS, journalists provide an essential service, keeping residents informed and holding government accountable; and

WHEREAS, Nancy is highly regarded for fairness and objectivity in her writing, as well as her questioning of public officials; and

WHEREAS, Nancy has taken a similar approach to her coverage of local government in the city of Lincoln in the final years of her career; and

WHEREAS, the inscription over the main entrance of the Capitol, written by Hartley Burr Alexander, is "The Salvation of the State is Watchfulness of the Citizen"; and

WHEREAS, through her work, Nancy Hicks Rose has embodied this premise and demonstrated many of the best traits a journalist can possess; and

WHEREAS, Nancy will retire from journalism on April 19, 2019; and

WHEREAS, Nancy will continue to serve as an example of the value of well-reported, local journalism in our state.

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

1. That the Legislature recognizes the impact Nancy Hicks Rose and her fellow journalists have had on the state and the importance of their contributions to a well-functioning government.

2. That the Legislature congratulates Nancy Hicks Rose on her retirement.

3. That copies of this resolution be sent to Nancy Hicks Rose and the Lincoln Journal Star.

Laid over.

#### **MOTION(S) - Confirmation Report(s)**

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:

Board of Parole

Robert W. Twiss

Voting in the affirmative, 40:

Albrecht	Clements	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	Dorn	Howard	Lowe	Slama
Bostelman	Erdman	Hughes	McDonnell	Stinner
Brandt	Geist	Hunt	Morfeld	Vargas
Brewer	Gragert	Kolowski	Moser	Wayne
Cavanaugh	Groene	Kolterman	Murman	Williams
Chambers	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Bolz	DeBoer	Halloran	Lindstrom	Walz
Briese	Friesen	Hilkemann	McCollister	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:

Nebraska Crime Commission  
Don Arp Jr., Director

Voting in the affirmative, 42:

Albrecht	Clements	Halloran	Linehan	Slama
Arch	Crawford	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Walz
Bolz	Dorn	Hilgers	McDonnell	Wayne
Bostelman	Erdman	Hilkemann	Morfeld	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Cavanaugh	Gragert	La Grone	Quick	
Chambers	Groene	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 7:

Briese	Hunt	Lindstrom	Vargas
Howard	Kolowski	Pansing Brooks	

The appointment was confirmed with 42 ayes, 0 nays, and 7 present and not voting.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 59.**

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to investigations; to require reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 87.**

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-12,149, Reissue Revised Statutes of Nebraska, and sections 58-708, 81-1201.21, and 81-12,156, Revised Statutes Cumulative Supplement, 2018; to authorize the distribution of funds from the Affordable Housing Trust Fund, from the Job Training Cash Fund, from the Site and Building Development Fund, and under the Business Innovation Act relating to opportunity zones as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB212 with 34 ayes, 9 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 212.**

A BILL FOR AN ACT relating to government; to amend sections 23-906 and 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to budget limitations and procedures, hearing notices for county budgets under the County Budget Act of 1937, hearing notices for property tax requests, and requirements for holding meetings by videoconference and telephone conference under the Open Meetings Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 268.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Geist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 316.** With Emergency Clause.

A BILL FOR AN ACT relating to pharmacy; to provide duties for pharmacists and contracted pharmacies regarding disclosure of cost, price, or copayment of prescription drugs; to prohibit insurers from requiring excessive payments as prescribed; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB320 with 34 ayes, 6 nays, and 9 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 320.**

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2628, 2-2630, 2-2632, 2-2637, 2-2640, 2-2643, 2-2643.02, 2-2645, and 2-2653, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2626, 2-2629, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, and 2-2656, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to update federal references; to change Department of Agriculture powers and duties; to change provisions relating to registration requirements and applications, service of process, labeling requirements, application fees, pesticide applicator and restricted-use pesticide provisions, commercial, noncommercial, and private applicator licenses, noncertified applicator restrictions, records requirements, license holder duties, violations, claims of damages, inspections, and prohibited acts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 352.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 1:

Groene

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 390.**

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the State Department of Education, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Moser

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB472 to Select File**

Senator Lowe moved to return LB472 to Select File for the following specific amendment:

FA48

Strike the enacting clause.

The Lowe motion to return failed with 6 ayes, 32 nays, and 11 present and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB472 with 34 ayes, 8 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 472.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2708, 77-2711, 77-2712.05, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to adopt the Qualified Judgment Payment Act; to provide for a sales and use tax and a property tax levy; to provide a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Arch	Clements	Hansen, B.	Lindstrom	Scheer
Blood	Crawford	Hansen, M.	Linehan	Stinner
Bolz	DeBoer	Hilkemann	McCollister	Vargas
Bostelman	Dorn	Howard	McDonnell	Walz
Brandt	Erdman	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 6:

Albrecht	Hilgers	Lowe
Geist	La Grone	Slama

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 514.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Reissue Revised Statutes of Nebraska; to include child support credit and spousal support credit as property obtained under issuing or passing a bad check or other order; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 603.**

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to automatic teller machine fees; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 637.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3701, 81-3711, and 81-3728, Revised Statutes Cumulative Supplement, 2018; to provide a duty for the Nebraska Tourism Commission; to authorize sales of tourism promotional products; to change provisions relating to vendor duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 713.**

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for the Legislative Fiscal Analyst; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 14CA.**

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the

Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, ~~which taxes shall be at such rate for a period not to exceed fifteen years,~~ on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is extremely blighted.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hilgers	Linehan	Slama
Arch	Crawford	Hilkemann	McCollister	Stinner
Blood	DeBoer	Howard	McDonnell	Vargas
Bolz	Dorn	Hughes	Morfeld	Walz
Bostelman	Friesen	Hunt	Moser	Wayne
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	Kolterman	Pansing Brooks	Wishart
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 2:

Erdman Groene

Present and not voting, 4:

Clements Hansen, B. La Grone Lowe

A constitutional three-fifths majority having voted in the affirmative, the

resolution was declared passed for the general election.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 59, 87, 212, 268, 316, 320, 352, 390, 472, 514, 603, 637, and 713 and LR14CA.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 87.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to continue the work of the select interim committee of the Legislature created in LR437, One Hundred Fifth Legislature, second session, to fully and comprehensively analyze possible improvements and changes to the standing committee system.

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

1. That a select interim committee of the Legislature be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature, the Speaker of the Legislature, and two members of each congressional district selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Executive Board of the Legislative Council on or before February 7, 2020.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 88.** Introduced by McCollister, 20.

**PURPOSE:** The purpose of this interim study is to examine issues related to grandparents raising grandchildren and other kinship family relationships.

Over 10,500 Nebraska grandparents are responsible for their grandchildren who live with them. Twenty-eight thousand children live in homes headed by grandparents or other relatives. Forty percent of Nebraska children in out-of-home care are living with relatives.

The babies, children and youth who enter a relative's care often have experienced multiple adverse childhood experiences that place them at higher risk for behavior issues and health problems both now and as they age.

When children cannot remain with their parents, placing them with grandparents and other relatives reduces future trauma and can help to mitigate the impact of past trauma. The stability, supportive relationships, and extended family network that grandparents provide to children align with research-based protective factors that promote resiliency and healing.

Providing full-time care to grandchildren may decrease grandparents' ability to address their own physical and mental health needs and personal

well-being. Grandparents would, therefore, benefit from better coordination and dissemination of information and resources to support them in their caregiving responsibilities.

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

- (1) The creation of a kinship navigator program through the federal Family First Prevention Services Act;
- (2) A review of the barriers facing grand-families and kinship-families both in and outside the child welfare system; and
- (3) The identification of resources to support grand-families and kinship-families.

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 89.** Introduced by Hughes, 44.

WHEREAS, Adair Reese of Grant was crowned Mrs. Nebraska for 2019; and

WHEREAS, Adair has been married to her husband, Jason, for 14 years, and together they have two children, Ava (12) and Alec (10); and

WHEREAS, Adair was instrumental in establishing Reese Mechanical and Reese Appliance and Repair in Grant, works as the administrator for Perkins County Health Services Foundation, and is very active in her community, having served as President of her local Rotary, a member of the Perkins County Chamber, a consultant on the Perkins County swimming pool project, an umpire for youth sports in Grant, and a Teammate mentor; and

WHEREAS, Adair chose attention-deficit/hyperactivity disorder awareness in adults and children as her platform for the Mrs. Nebraska competition; and

WHEREAS, Adair will represent Nebraska and compete in the national Mrs. America pageant.

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

1. That the Legislature congratulates Adair Reese for being crowned Mrs. Nebraska for 2019.
2. That a copy of this resolution be sent to Adair Reese.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 532A.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, One Hundred Sixth Legislature, First Session, 2019.

**SELECT FILE**

**LEGISLATIVE BILL 177.** Senator Erdman withdrew his amendment, AM1408, found on page 1210.

Senator Erdman offered the following amendment:

FA50

1. Strike AM713 (committee amendments).
2. On page 2, line 4 strike "2029" and insert "2019".

Pending.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 492.** Placed on General File with amendment. AM628 is available in the Bill Room.

**LEGISLATIVE BILL 564.** Placed on General File with amendment. AM1276

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 13-2702, Revised Statutes Cumulative Supplement,
- 4 2018, is amended to read:
- 5 13-2702 The purpose of the Civic and Community Center Financing Act
- 6 is to support the development of civic centers, historic buildings or
- 7 districts, public spaces ~~community~~, and recreation centers throughout
- 8 Nebraska. Furthermore, the act is intended to support projects that
- 9 foster maintenance or growth of communities.
- 10 Sec. 2. Section 13-2703, Revised Statutes Cumulative Supplement,
- 11 2018, is amended to read:
- 12 13-2703 For purposes of the Civic and Community Center Financing
- 13 Act:
- 14 (1) Civic center means a facility that is ~~primarily~~ used to host
- 15 conventions, meetings, and cultural events ~~or and~~ a library;
- 16 ~~(2) Community center means property that is owned by a municipality~~
- 17 ~~and located within the traditional center of a community, typically~~
- 18 ~~comprised of a cohesive core of residential, civic, religious, and~~

19 ~~commercial buildings, arranged around a main street and intersecting~~  
20 ~~streets;~~

21 ~~(2) (3)~~ Department means the Department of Economic Development;

22 ~~(3) Eligible facility means any civic center, historic building or~~  
23 ~~district, public space, or recreation center;~~

24 ~~(4) Fund means the Civic and Community Center Financing Fund;~~

25 ~~(5) Historic building or district means a building or district~~  
26 ~~eligible for listing on or currently listed on the National Register of~~

27 ~~Historic Places or a building that is certified as contributing to the~~  
1 ~~significance of a registered state or national historic district; and~~

2 ~~(6) Political subdivision means a county, school district, community~~  
3 ~~college area, or natural resources district;~~

4 ~~(7) Public space means property located within the traditional~~  
5 ~~center of a community, typically comprised of a cohesive core of~~  
6 ~~residential, civic, religious, and commercial buildings, arranged around~~  
7 ~~a main street and intersecting streets; and~~

8 ~~(8) (6)~~ Recreation center means a facility or park used for  
9 athletics, fitness, sport activities, or recreation that is owned by a  
10 municipality and is available for use by the general public with or  
11 without charge. Recreation center does not include any facility that  
12 requires a person to purchase a membership to utilize such facility.

13 Sec. 3. Section 13-2704, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 13-2704 (1) The Civic and Community Center Financing Fund is  
16 created. The fund shall be administered by the department. Any money in  
17 the fund available for investment shall be invested by the state  
18 investment officer pursuant to the Nebraska Capital Expansion Act and the  
19 Nebraska State Funds Investment Act. Transfers may be made from the fund  
20 to the General Fund, the Department of Revenue Enforcement Fund, and the  
21 State Colleges Sport Facilities Cash Fund at the direction of the  
22 Legislature.

23 (2)(a) The department shall use the Civic and Community Center  
24 Financing Fund for the following purposes:

25 (i) For grants of assistance as described in section 13-2704.01;

26 (ii) For grants of assistance as described in section 13-2704.02;  
27 and

28 (iii) For reasonable and necessary costs of the department directly  
29 related to the administration of the fund, not to exceed the amount  
30 needed to employ a one-half full-time equivalent employee.

31 (b) Grants of assistance shall ~~The fund may~~ not be used for  
1 programming, marketing, advertising, or facility-staffing activities.

2 (3) The State Treasurer shall transfer two hundred fifty thousand  
3 dollars from the Civic and Community Center Financing Fund to the State  
4 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.

5 Commencing October 1, 2015, and every year thereafter, the State  
6 Treasurer shall transfer three hundred thousand dollars from the Civic  
7 and Community Center Financing Fund to the State Colleges Sport  
8 Facilities Cash Fund.

9 Sec. 4. Section 13-2704.01, Revised Statutes Cumulative Supplement,

10 2018, is amended to read:

11 13-2704.01 (1) The department shall use the fund to provide grants  
12 of assistance for the following purposes:

13 (a) To assist in the construction of new civic centers and  
14 recreation centers or the renovation or expansion of existing civic  
15 centers and recreation centers;

16 (b) To assist in the preservation, restoration, conversion,  
17 rehabilitation, or reuse of historic buildings or districts; or

18 ~~(c) To assist in the preservation and restoration of historic~~  
19 ~~buildings owned by a nonprofit organization if a contractual relationship~~  
20 ~~is created between a municipality and the nonprofit organization; or~~

21 (c) ~~(d)~~ To assist in the construction or upgrade of public spaces  
22 community centers, including the demolition of substandard and abandoned  
23 buildings.

24 (2) Applications for grants of assistance pursuant to this section  
25 shall be evaluated by the department pursuant to section 13-2707.

26 Sec. 5. Section 13-2705, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 13-2705 The department may conditionally approve grants of  
29 assistance from the fund to eligible and competitive applicants subject  
30 to within the following limits and requirements:

31 (1) Except as provided in subdivision (2) of this section, a grant  
1 request shall be in an amount meeting the following requirements:

2 (a) For a grant of assistance under section 13-2704.01, at least  
3 fifteen thousand dollars but no more than:

4 (i) For a city of the primary class, two million two hundred fifty  
5 thousand dollars;

6 (ii) For a city with a population of at least more than forty  
7 thousand inhabitants but fewer less than one hundred thousand inhabitants  
8 as determined by the most recent federal decennial census or the most  
9 recent revised certified count by the United States Bureau of the Census,  
10 one million one hundred twenty-five thousand dollars;

11 (iii) For a city with a population of at least more than twenty  
12 thousand inhabitants but fewer less than forty thousand inhabitants as  
13 determined by the most recent federal decennial census or the most recent  
14 revised certified count by the United States Bureau of the Census, seven  
15 hundred fifty thousand dollars;

16 (iv) For a city with a population of at least more than ten thousand  
17 inhabitants but fewer less than twenty thousand inhabitants as determined  
18 by the most recent federal decennial census or the most recent revised  
19 certified count by the United States Bureau of the Census, six hundred  
20 thousand dollars; and

21 (v) For a municipality with a population of fewer less than ten  
22 thousand inhabitants as determined by the most recent federal decennial  
23 census or the most recent revised certified count by the United States  
24 Bureau of the Census, three hundred seventy-five thousand dollars; and

25 (b) For a grant of assistance under section 13-2704.02, at least  
26 three thousand dollars but no more than fifteen thousand dollars;

27 (2) Upon the balance of the fund reaching three million seven

28 hundred fifty thousand dollars, and until the balance of the fund falls  
29 below one million five hundred thousand dollars, a grant request shall be  
30 in an amount meeting the following requirements:

31 (a) For a grant of assistance under section 13-2704.01, at least  
1 fifteen thousand dollars but no more than:

2 (i) For a city of the primary class, three million three hundred  
3 seventy-five thousand dollars;

4 (ii) For a city with a population of at least ~~more than~~ forty  
5 thousand inhabitants but fewer less than one hundred thousand inhabitants  
6 as determined by the most recent federal decennial census or the most  
7 recent revised certified count by the United States Bureau of the Census,  
8 one million six hundred eighty-seven thousand dollars;

9 (iii) For a city with a population of at least ~~more than~~ twenty  
10 thousand inhabitants but fewer less than forty thousand inhabitants as  
11 determined by the most recent federal decennial census or the most recent  
12 revised certified count by the United States Bureau of the Census, one  
13 million one hundred twenty-five thousand dollars;

14 (iv) For a city with a population of at least ~~more than~~ ten thousand  
15 inhabitants but fewer less than twenty thousand inhabitants as determined  
16 by the most recent federal decennial census or the most recent revised  
17 certified count by the United States Bureau of the Census, nine hundred  
18 thousand dollars; and

19 (v) For a municipality with a population of fewer less than ten  
20 thousand inhabitants as determined by the most recent federal decennial  
21 census or the most recent revised certified count by the United States  
22 Bureau of the Census, five hundred sixty-two thousand dollars; and

23 (b) For a grant of assistance under section 13-2704.02, at least  
24 three thousand dollars but no more than fifteen thousand dollars;

25 (3) Assistance from the fund shall not amount to more than fifty  
26 percent of the cost of the project for which a grant is requested;

27 (4) A municipality shall not be awarded more than one grant of  
28 assistance under section 13-2704.01 and one grant of assistance under  
29 section 13-2704.02 in any two-year period; ~~and~~

30 (5) Any eligible facility for which a grant of assistance under  
31 section 13-2704.01 is made shall not be sold for at least five years  
1 following the award of such grant of assistance; and A municipality shall  
2 not sell any civic, community, or recreation center that received grant  
3 funds for at least five years under the Civic and Community Center  
4 Financing Act.

5 (6) Upon receipt of any application for a grant of assistance to  
6 assist in the preservation, restoration, conversion, rehabilitation, or  
7 reuse of a historic building or district, the department shall notify the  
8 State Historic Preservation Officer of such application. The State  
9 Historic Preservation Officer shall evaluate the work proposed in such  
10 application to determine whether it conforms to the Secretary of the  
11 Interior's Standards for the Treatment of Historic Properties and shall  
12 notify the department of the determination. If the work does not conform  
13 to such standards, the department shall not award a grant of assistance  
14 for such application.

15 Sec. 6. Section 13-2707, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 13-2707 (1) The department shall evaluate all applications for  
18 grants of assistance under section 13-2704.01 based on the following  
19 criteria, which are listed in no particular order of preference:  
20 (a) Retention Impact. Funding decisions by the department shall be  
21 based on the likelihood of the project retaining existing residents in  
22 the community where the project is located, developing, sustaining, and  
23 fostering community connections, and enhancing the potential for economic  
24 growth in a manner that will sustain the quality of life and promote  
25 long-term economic development;  
26 (b) New Resident Impact. Funding decisions by the department shall  
27 be based on the likelihood of the project attracting new residents to the  
28 community where the project is located;  
29 (c) Visitor Impact. Funding decisions by the department shall be  
30 based on the likelihood of the project enhancing or creating an  
31 attraction that would increase the potential of visitors to the community  
1 where the project is located from inside and outside the state;  
2 (d) Readiness. ~~The applicant's fiscal, and economic, and operational~~  
3 ~~capacity of the applicant, and of any political subdivision that owns the~~  
4 ~~eligible facility jointly with the applicant, to finance and manage the~~  
5 ~~project the local share and ability to proceed and implement its plan and~~  
6 ~~to operate the eligible facility civic center, community center, or~~  
7 ~~recreation center; and~~  
8 (e) Project Planning. Projects with completed technical assistance  
9 and feasibility studies shall be preferred to those with no prior  
10 planning.

11 (2) The department shall give priority to applications from  
12 municipalities which have not received a grant of assistance under  
13 section 13-2704.01 within the last ten years.

14 (3) Any grant of assistance under section 13-2704.01 shall be  
15 matched at least equally from local sources. At least fifty percent of  
16 the local match must be in cash.

17 (4) To receive a grant of assistance under section 13-2704.01, the  
18 project for which the grant is requested shall be located in the  
19 municipality that applies for the grant or, for any city of the first  
20 class, city of the second class, or village, within the municipality's  
21 extraterritorial zoning jurisdiction.

22 (5) To receive a grant of assistance under section 13-2704.01, the  
23 project for which the grant is requested shall involve an eligible  
24 facility that is owned by the municipality applying for the grant, except  
25 that a municipality may own an eligible facility jointly with a political  
26 subdivision if the municipality's ownership interest in such eligible  
27 facility is at least fifty percent. In any case, the municipality shall  
28 be the applicant for the grant of assistance.

29 Sec. 7. Section 13-2707.01, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 13-2707.01 The department shall evaluate all applications for grants  
1 of assistance under section 13-2704.02 based on the following criteria:

2 (1) Financial Support. Assistance from the fund shall be matched at  
3 least equally from local sources. At least fifty percent of the local  
4 match must be in cash. Projects with a higher level of local matching  
5 funds shall be preferred as compared to those with a lower level of  
6 matching funds; and  
7 (2) Project Location. Assistance from the fund shall be for  
8 engineering and technical studies related to projects that will be  
9 located in the municipality that applies for the grant or, for any city  
10 of the first class, city of the second class, or village, in the  
11 municipality's extraterritorial zoning jurisdiction.  
12 Sec. 8. Original sections 13-2702, 13-2703, 13-2704, 13-2704.01,  
13 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement,  
14 2018, are repealed.

(Signed) Justin Wayne, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 18, 2019, at 11:00 a.m. were the following: LBs 59, 87, 212, 268, 316e, 320, 352, 390, 472, 514, 603, 637e, and 713.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on April 18, 2019, at 11:00 a.m. was the following: LR14CA.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

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

Senator Wayne filed the following amendment to LB86:  
AM1199 is available in the Bill Room.

Senator Bostelman filed the following amendment to LB698:  
AM1288

1 1. Insert the following new section:  
2 Sec. 3. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

Senator Kolowski filed the following amendment to LB670:  
AM1351

(Amendments to Standing Committee amendments, AM1112)

1 1. Insert the following new amendment:  
2 1. On page 2, lines 2 and 26; page 4, lines 6 and 28; page 5, line

3 5; page 6, lines 3 and 28; page 7, line 21; page 8, line 9; page 10, line  
 4 2; page 11, lines 5 and 13; page 13, line 27; page 16, line 21; page 17,  
 5 line 13; page 18, lines 4 and 21; and page 21, line 15, strike  
 6 "Opportunity" and insert "Private School".

Senator Kolowski filed the following amendment to LB670:  
 AM1350

(Amendments to Standing Committee amendments, AM1112)

1 1. Insert the following new amendment:  
 2 1. On page 3, line 24, strike "and"; and in line 26 after "79-318"  
 3 insert ", and (e) does not use any form of academic screening as part of  
 4 initial enrollment or maintaining enrollment, including, but not limited  
 5 to, entrance exams, minimum grade-point averages, test scores, math  
 6 ability assessments, reading ability assessments, letters of  
 7 recommendation, and English language fluency assessments".

Senator Briese filed the following amendment to LB177:  
 AM1428

1 1. Insert the following new sections:  
 2 Sec. 2. Section 13-1304, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 13-1304 Any commission established under sections 13-1301 to 13-1312  
 5 shall have power to:  
 6 (1) Sue and be sued;  
 7 (2) Have a seal and alter the seal;  
 8 (3) Acquire, hold, and dispose of personal property for its  
 9 corporate purposes;  
 10 (4) Acquire in the name of the city and county, by gift, grant,  
 11 bequest, purchase, or condemnation, real property or rights and easements  
 12 thereon necessary or convenient for its corporate purposes and use such  
 13 property or rights and easements so long as its corporate existence  
 14 continues;  
 15 (5) Make bylaws for the management and regulation of its affairs and  
 16 make rules and regulations for the use of its projects;  
 17 (6) With the consent of the city or the county, as the case may be,  
 18 use the services of agents, employees, and facilities of the city or  
 19 county, for which the commission may reimburse the city or the county its  
 20 proper proportion of the compensation or cost thereof, and use the  
 21 services of the city attorney as legal advisor to the commission;  
 22 (7) Appoint officers, agents, and employees and fix their  
 23 compensation, except that the county treasurer shall be the ex officio  
 24 treasurer of the commission;  
 25 (8) Design, acquire, construct, maintain, operate, improve, remodel,  
 26 remove, and reconstruct, so long as its corporate existence continues,  
 27 such projects for the use both by the city and county as are approved by  
 1 the city and the county and all facilities necessary or convenient in  
 2 connection with any such projects;  
 3 (9) Enter into agreements with the city or county, or both, as to  
 4 the operation, maintenance, repair, and use of its projects. Such

5 agreements may provide that the city or county, or both, has  
6 responsibility for a certain area within any building, structure, or  
7 facility, including the maintenance, repair, use, furnishing, or  
8 management of such area;

9 (10) With the approval of both the city and the county, enter into  
10 agreements with the United States of America, the State of Nebraska, any  
11 body, board, agency, corporation, or other governmental entity of either  
12 of them, or other governmental units for use by them of any projects to  
13 the extent that such use is not required by the city or the county;

14 (11) Make all other contracts, leases, and instruments necessary or  
15 convenient to the carrying out of the corporate purposes or powers of the  
16 commission;

17 (12) Annually levy, assess, and certify to the governing body of the  
18 county the amount of tax to be levied for the purposes of the commission  
19 subject to section 77-3443, not to exceed one and seven-tenths cents on  
20 each one hundred dollars upon the taxable valuation of all the taxable  
21 property in the county. The governing body of the county shall collect  
22 the tax so certified at the same time and in the same manner as other  
23 county taxes are levied and collected, and the proceeds of such taxes  
24 when due and as collected shall be set aside and deposited in the special  
25 account or accounts in which other revenue of the commission is  
26 deposited;

27 (13) Accept grants, loans, or contributions from the United States  
28 of America, the State of Nebraska, any agency or instrumentality of  
29 either of them, the city, the county, any other governmental unit, or any  
30 private person, firm, or corporation and expend the proceeds thereof for  
31 any corporate purposes;

1 (14) Subject to section 13-1306, incur ~~new~~ debt, issue bonds and  
2 notes and provide for the rights of the holders thereof, and pledge and  
3 apply to the payment of such bonds and notes the taxes and other  
4 receipts, income, revenue, profits, and money of the commission;

5 (15) Enter on any lands, waters, and premises for the purpose of  
6 making surveys, findings, and examinations; and

7 (16) Do all things necessary or convenient to carry out the powers  
8 specially conferred on the commission by sections 13-1301 to 13-1312.

9 Sec. 3. Section 13-1306, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 13-1306 (1)(a) With the prior approval of both the city and the  
12 county for which the commission was created, the commission shall have  
13 the power and is hereby authorized from time to time to issue its bonds  
14 for any corporate purpose in such amounts as may be required to carry out  
15 and fully perform the purposes for which such commission is established.  
16 Except as provided in subsection (2) of this section, no bonds shall be  
17 issued by any commission on or after the effective date of this act until  
18 the question has been submitted to the qualified electors of the county  
19 at an election called for that purpose as provided in this subsection and  
20 a majority of the qualified electors voting on the question voted in  
21 favor of issuing the same.

22 (b) The county board shall give notice of the election at least

23 fifty days prior to the election. The question of issuing bonds may be  
24 submitted at the statewide primary or general election. The election  
25 shall be conducted in accordance with the Election Act.  
26 (c) The question of bond issues, when defeated, shall not be  
27 resubmitted in substance for a period of six months from and after the  
28 date of such election.  
29 (d) Before the issuance of bonds pursuant to sections 13-1301 to  
30 13-1312, the commission shall make a written statement of all proceedings  
31 relative to the vote upon the issuance of such bonds and the notice of  
1 the election, the manner and time of giving notice, the question  
2 submitted, and the result of the canvass of the vote on the proposition  
3 pursuant to which it is proposed to issue such bonds, together with a  
4 full statement of the taxable valuation and the total bonded indebtedness  
5 of the county. Such statement shall be certified to under oath.  
6 (2) The commission shall have power from time to time and when  
7 refunding is deemed expedient to issue bonds in amounts sufficient to  
8 refund any bonds, including any premiums payable upon the redemption of  
9 the bonds to be refunded and interest to their redemption date upon the  
10 bonds to be refunded, by the issuance of new bonds, whether the bonds to  
11 be refunded have or have not matured. It may issue bonds partly to refund  
12 bonds then outstanding and partly for any other corporate purpose. The  
13 refunding bonds may be exchanged for the bonds to be refunded with such  
14 cash adjustment as may be agreed or may be sold and the proceeds applied  
15 to the purchase, redemption, or payment of the bonds to be refunded. For  
16 refunding bonds issued on or after the effective date of this act, no  
17 approval by the voters under subsection (1) of this section shall be  
18 required if the county treasurer certifies to the Secretary of State, on  
19 a form developed by the Secretary of State, that the refunding bonds will  
20 not increase property taxes or the bonded indebtedness of the commission,  
21 county, or city. If the Secretary of State does not receive the  
22 certification from the county treasurer within thirty days after passage  
23 of the authorizing resolution or resolutions, or the Secretary of State  
24 does not accept such certification, then approval by the voters shall be  
25 required.  
26 (3) All bonds shall be general obligations of the commission issuing  
27 the same and shall be payable out of the tax and other receipts, revenue,  
28 income receipts, profits, or other money of the commission.  
29 (4) A commission shall have power from time to time to issue bond  
30 anticipation notes referred to as notes in this section and from time to  
31 time to issue renewal notes, such notes in any case to mature not later  
1 than thirty months from the date of incurring the indebtedness  
2 represented thereby in an amount not exceeding in the aggregate at any  
3 time outstanding the amount of bonds then or theretofore authorized. Such  
4 notes shall be general obligations of the commission. Payment of such  
5 notes shall be made from any money or revenue which the commission may  
6 have available for such purpose or from the proceeds of the sale of bonds  
7 of the commission or such notes may be exchanged for a like amount of  
8 such bonds.  
9 (5) All such bonds and notes shall be authorized by a resolution or

10 resolutions of the board, after approval by the voters if required under  
11 this section, and shall bear such date or dates, mature at such time or  
12 times, bear interest at such rate or rates, be in such denominations, be  
13 in such form, either coupon or registered, carry such exchange  
14 privileges, be executed in such manner, be payable in such medium of  
15 payment at such place or places within or without the State of Nebraska  
16 and be subject to such terms of redemption and at such redemption  
17 premiums, as such resolution or resolutions may provide and the  
18 provisions of section 10-126, shall not be applicable to such bonds or  
19 notes. The bonds and notes may be sold at public or private sale for such  
20 price or prices as the commission shall determine. No proceedings for the  
21 issuance of bonds or notes of a commission shall be required other than  
22 those required by the provisions of sections 13-1301 to 13-1312 and the  
23 provisions of all other laws and city charters, if any, relative to the  
24 terms and conditions for the issuance, payment, redemption, registration,  
25 sale or delivery of bonds of public bodies, corporations or political  
26 subdivisions of this state shall not be applicable to bonds and notes  
27 issued by commissions pursuant to sections 13-1301 to 13-1312.  
28 (6) The full faith and credit of the commission shall be pledged to  
29 the payment and security of the bonds and notes issued by it, whether or  
30 not such pledge shall be set forth in the bonds or notes. So long as any  
31 of its bonds or notes are outstanding, the commission shall have the  
1 power and be obligated to levy taxes within the limitation as provided in  
2 section 13-1304 to the extent required, together with any other money  
3 available to the commission therefor to pay the principal of and interest  
4 and premium, if any, on such bonds and notes as the same become due and  
5 payable.  
6 (7) All bonds and notes issued pursuant to the provisions of  
7 sections 13-1301 to 13-1312 shall be and are hereby made negotiable  
8 instruments within the meaning of and for all the purposes of the Uniform  
9 Commercial Code subject only to any provisions contained in such bonds  
10 and notes for the registration of the principal thereof.  
11 (8) A commission shall have power to purchase bonds or notes of the  
12 commission out of any money available therefor. Any bonds so purchased  
13 shall be canceled by the commission.  
14 2. Renumber the remaining section and correct the repealer  
15 accordingly.

### VISITOR(S)

Visitors to the Chamber were Drs. Sean Kark and Tim Reid from Omaha; students from Milford Public Schools; students from Disney Elementary School, Millard; students from Ezra Elementary School, Millard; Kennedy, Autumn, Scarlet, Ella, and Carrie Paden from Lincoln; and Patrick Slattery from Omaha.

The Doctor of the Day was Dr. Dale Agner from Papillion.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Tuesday, April 23, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-THIRD DAY - APRIL 23, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 23, 2019

**PRAYER**

The prayer was offered by Pastor Kim Dunker, Geneva Methodist Church, Exeter.

**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 Senator Hilgers who was excused; and Senators Bolz, Hilkemann, Kolowski, Linehan, Morfeld, Pansing Brooks, Stinner, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 84 and 85 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 84 and 85.

**ATTORNEY GENERAL'S OPINION**

Opinion 19-005

SUBJECT:           Constitutionality of LB 183 as amended – Taxation of Agricultural and Horticultural Land at Fifty Percent of Actual Value for School District Bond Purposes.

REQUESTED BY: Senator Tom Briese  
Nebraska Legislature

WRITTEN BY Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

### INTRODUCTION

LB 183, as amended by AM158 and AM517, proposes to amend the statutes governing valuation of property for taxation to provide that, for purposes of school district taxes levied to pay principal and interest on bonds, agricultural and horticultural land and land receiving special valuation will be valued at fifty percent of its actual value. The bill would also amend the acceptable range for agricultural and horticultural land and land receiving special valuation to forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds. These provisions would apply only to school district bonds issued on or after the operative date of the act.

Your request does not articulate a specific constitutional issue to be addressed, or identify any particular constitutional provision the bill may contravene. As it pertains to the valuation of agricultural and horticultural land for property tax purposes, we will limit our consideration to whether the bill, as amended, may violate the uniformity requirements in Neb. Const. art. VIII, §1.

### ANALYSIS

Neb. Const. art. VIII, § 1, provides, in part:

Notwithstanding Article I, section 16, Article III, § 18, or Article VIII, § 4, of this Constitution or any other provision of the Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; . . .

\* \* \*

(4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural and horticultural use shall for property tax purposes be that value which such land has for

agricultural or horticultural use without regard to any value such land has for other purposes or uses; . . . .

Agricultural land and horticultural land is "a separate and distinct class of property for purposes of taxation . . . ." and is "valued for taxation at seventy-five percent of its actual value." Neb. Rev. Stat. § 77-201(2) (2018). Agricultural land and horticultural land that "meets the qualifications for special valuation . . ." is also a "separate and distinct class of property for purposes of taxation . . ." and is "valued for taxation at seventy-five percent of its special value . . ." Neb. Rev. Stat. § 77-202(3) (2018). All other real property that is not expressly exempt from taxation "shall be subject to taxation and shall be valued at its actual value." Neb. Rev. Stat. § 77-202(1) (2009). LB 183 would amend § 77-201(2) and (3) to provide that agricultural and horticultural land, and land qualified for special valuation, would be valued at fifty percent of its actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the operative date of the act.

For statewide equalization purposes, the "acceptable range" for agricultural land and horticultural land is "sixty-nine to seventy-five percent of actual value." Neb. Rev. Stat. § 77-5023(2)(a) (2018). The acceptable range for agricultural and horticultural land receiving special valuation is "sixty-nine to seventy-five percent of special valuation . . ." Neb. Rev. Stat. § 77-5023(2)(b) (2018). For all other real property, the acceptable range is "ninety-two to one hundred percent of actual value." Neb. Rev. Stat. § 77-5023(2)(c) (2018). LB 183 would amend § 77-5023(2) to provide that the acceptable range for agricultural and horticultural land and land receiving special valuation is forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the effective date of the act.

The language in Article VIII, § 1(4), authorizing the separate classification and taxation of agricultural and horticultural land, was added by a constitutional amendment proposed by the Legislature in 1989 and approved by the voters in 1990. 1989 Neb. Laws LR 2CA. In *Krings v. Garfield County Bd. of Equal.*, 286 Neb. 352, 361, 835 N.W.2d 750, 76 (2013) [*"Krings"*], the Nebraska Supreme Court, discussing the effect of the amendment, stated:

The amendment clearly provided that although values of agricultural and horticultural land were to be uniform and proportionate within the class, they were not required to be uniform and proportionate with the value of other real property. Because the language of this provision, article VIII, § 1(4) is clear, it is not open to construction.

\* \* \*

[A]fter the amendments to article VIII, § 1, and the enactment of statutes pursuant to authority providing for a different method of taxing

agricultural and horticultural land, the constitution does not require uniformity between the class of agricultural and horticultural land and other types of real estate. Therefore, it is no longer required or proper to equalize the value of nonagricultural land with the value of agricultural and horticultural land. Equalization is still required within the class of agricultural and horticultural land, because the constitution still requires uniformity within that class.

*Krings* recognized that the 1990 constitutional amendment authorized the Legislature to separately classify agricultural and horticultural land, and provide a different method of taxing such land. The Court further found that the constitution, and enabling legislation, no longer required that agricultural and horticultural land be valued and taxed uniformly with other real property, although uniformity is required within the class of agricultural and horticultural land.<sup>1</sup>

Under LB 183 as amended, agricultural and horticultural land, and land qualified for special valuation, would be valued at fifty percent of its actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the operative date of the act. In addition, the acceptable range for statewide equalization purposes for agricultural and horticultural land and land receiving special valuation would be reduced to forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the effective date of the act. For property taxes levied for other purposes, agricultural and horticultural land, and land qualified for special valuation, would be valued at seventy-five percent of its actual value, with the acceptable range falling between sixty-nine and seventy-five percent of actual value.

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<sup>1</sup> The Legislature is authorized to provide for the "special valuation" of agricultural and horticultural land under Neb. Const. art. VIII, § 1(5), which states "the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses . . . ." The legislation initially implementing this constitutional provision reveals the intent of the "special valuation" or "Greenbelt" amendment was to protect farmers and ranchers owning land near urban areas from being taxed on the speculative market value of the land for potential non-agricultural use. *See Committee Statement on LB 359*, 83<sup>rd</sup> Leg., 1<sup>st</sup> Sess. (1973) ("[T]his bill provides for special assessment for agricultural purposes within agricultural use zones...for...the owner or such land in rural-urban fringe areas subject to high valuations because of nearby residential and industrial developments."). The Legislature currently allows the special valuation of "[a]gricultural or horticultural land which has an actual value . . . reflecting purposes or uses other than agricultural or horticultural purposes or uses . . . ." Neb. Rev. Stat. § 77-1344(1) (2018).

LB 183 is limited to reducing the value of agricultural and horticultural land, including land subject to special valuation, to fifty percent only for purposes of property taxes levied to payment of school district bonds issued after the bill's operative date. There is no question that the Legislature is constitutionally authorized to separately classify agricultural and horticultural land and value such land in a manner that is not uniform in relation to other real property. By limiting its effect to property taxes levied for payment of school district bonds, and establishing a different level of value for property taxes levied on agricultural and horticultural land for this purpose alone, it could be argued that the bill goes beyond the Constitution's intent to allow the Legislature to separately classify agricultural and horticultural land for taxation and establish a non-uniform method of valuing such land. LB 183 establishes a different value for agricultural and horticultural land for one purpose (taxes levied to pay school district bonds) than the value used for all other property tax purposes. While it is true that this results in uniform taxable levels of value of agricultural and horticultural land for these different purposes, there is no precedent for creating such different levels of value within the class of agricultural and horticultural land based on the purpose for which property taxes are levied. Given the broad authority granted the Legislature to tax and value agricultural and horticultural land in a way that results in values that are not uniform with other real property, however, we cannot say that LB 183 as amended clearly violates art. VIII, § 1.<sup>2</sup>

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

07-1255-29

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<sup>2</sup> The uniformity clause also requires that taxes be levied at the same rate on property throughout the taxing district. *Sarpy County Farm Bureau v. Learning Community of Douglas*, 283 Neb. 212, 246, 808 N.W.2d 598, 622 (2012). We understand that, while the tax rate required for school bond payment purposes under LB 183 will be impacted if agricultural and horticultural land, including land subject to special valuation, is valued at only fifty percent of actual value, the rate would be the same for all taxable real property and thus uniform throughout the school district.

**SELECT FILE**

**LEGISLATIVE BILL 177.** Senator Erdman renewed his amendment, FA50, found on page 1238.

Pending.

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

Senator Wayne filed the following amendment to LB496:  
AM1430

(Amendments to Standing Committee amendments, AM787)

- 1 1. On page 2, line 31; and page 3, line 24, after "classification"
- 2 insert "or a violation of a city or village ordinance".
- 3 2. On page 3, line 6, strike beginning with "I" through "felony" and
- 4 insert "II felony or a higher classification".

**SELECT FILE**

**LEGISLATIVE BILL 428.** ER77, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 31.** ER79, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 31A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 638.** ER78, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 556.** ER67, found on page 1114, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 556A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 252.** ER71, found on page 1131, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 304.** ER73, found on page 1131, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 698.** Senator Bostelman offered his amendment, AM1288, found on page 1243.

The Bostelman amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 616.** ER81, found on page 1165, was adopted.

Speaker Scheer requested to pass over LB616.

**LEGISLATIVE BILL 585.** ER82, found on page 1176, was adopted.

Senator Friesen offered his amendment, AM1419, found on page 1207.

The Friesen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 641.** ER83, found on page 1176, was adopted.

Senator McDonnell withdrew his amendment, AM1397, found on page 1197.

Senator McDonnell offered his amendment, AM1421, found on page 1209.

The McDonnell amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 663.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 445.** ER68, found on page 1118, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 222.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 180.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 23.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 356.** ER75, found on page 1157, was adopted.

Senator Friesen offered his amendment, AM1325, found on page 1185.

The Friesen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 6.** ER74, found on page 1158, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 524.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 405.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 130.** ER55, found on page 956, was adopted.

Senator DeBoer offered her amendment, AM1107, found on page 1031.

The DeBoer amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 130A.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 600.** Title read. Considered.

#### **SPEAKER SCHEER PRESIDING**

Senator Bolz offered her amendment, AM1241, found on page 1120.

The Bolz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**PRESIDENT FOLEY PRESIDING**

**LEGISLATIVE BILL 460.** Title read. Considered.

Committee AM1211, found on page 1099, was offered.

Senator Howard offered the following amendment to the committee amendment:

AM1396

(Amendments to Standing Committee amendments, AM1211)

- 1 1. On page 9, lines 4 and 5, strike "other than a family child care
- 2 home I" and insert "required to be licensed under the Child Care
- 3 Licensing Act".

The Howard amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 460A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 184.** Senator Wayne withdrew his motion, MO35, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1252, found on page 1138, was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 700.** Senator Wayne withdrew his motion, MO36, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1098, found on page 1086, was offered.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 610.** Placed on Select File with amendment.  
ER90 is available in the Bill Room.

**LEGISLATIVE BILL 155.** Placed on Select File with amendment.  
ER89

1 1. In the Brewer amendment, AM1380, on page 5, line 31; and page 6,  
2 line 14, strike the new matter and reinstate the stricken matter.  
3 2. On page 1, line 2, strike "section 70-1014.02" and insert  
4 "sections 70-1014.02 and 70-1015"; in line 3 strike "eliminate" and  
5 insert "change"; and in line 4 after the semicolon insert "to harmonize  
6 provisions;" and strike "section" and insert "sections".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 123.** Placed on General File.

**LEGISLATIVE BILL 267.** Placed on General File with amendment.  
AM1245

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 23-120, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 23-120 (1) The county board (a) shall, pursuant to a two-thirds  
6 majority vote, acquire, purchase, construct, renovate, remodel, furnish,  
7 equip, add to, improve, or provide a suitable courthouse, jail, and other  
8 county buildings and a site or sites therefor, and (b) may, pursuant to a  
9 two-thirds majority vote and a declaration by resolution that an  
10 emergency exists, repair, retrofit, reconstruct, or replace any bridge  
11 owned by the county which is (i) destroyed or damaged as a result of a  
12 natural disaster for which a federal disaster declaration was issued by  
13 the President of the United States or (ii) designated as scour critical  
14 or structurally deficient pursuant to Department of Transportation  
15 standards, and for such purposes borrow money and issue the bonds of the  
16 county to pay for the same. Agreements entered into under section  
17 25-412.03 shall be deemed to be in compliance with this section. The  
18 board shall keep such buildings and bridges in repair and provide  
19 suitable rooms and offices for the accommodation of the several courts of  
20 record, Nebraska Workers' Compensation Court or any judge thereof,  
21 Commissioner of Labor for the conduct and operation of the state free  
22 employment service, county board, county clerk, county treasurer, county  
23 sheriff, clerk of the district court, county surveyor, county  
24 agricultural agent, and county attorney if the county attorney holds his  
25 or her office at the county seat and shall provide suitable furniture and

26 equipment therefor. All such courts which desire such accommodation shall  
27 be suitably housed in the courthouse.

1 (2) No levy exceeding (a) two million dollars in counties having in  
2 excess of two hundred fifty thousand inhabitants, (b) one million dollars  
3 in counties having in excess of one hundred thousand inhabitants and not  
4 in excess of two hundred fifty thousand inhabitants, (c) three hundred  
5 thousand dollars in counties having in excess of thirty thousand  
6 inhabitants and not in excess of one hundred thousand inhabitants, or (d)  
7 one hundred fifty thousand dollars in all other counties shall be made  
8 within a one-year period for any of the purposes specified in subsection  
9 (1) of this section without first submitting the proposition to a vote of  
10 the people of the county at a general election or a special election  
11 ordered by the board for that purpose and obtaining the approval of a  
12 majority of the legal voters thereon.

13 (3)(a) The county board of any county in this state may, when  
14 requested so to do by petition signed by at least a majority of the legal  
15 voters in the county based on the average vote of the two preceding  
16 general elections, make an annual levy of not to exceed seventeen and  
17 five-tenths cents on each one hundred dollars upon the taxable value of  
18 all the taxable property in the county for any of the purposes specified  
19 in subsection (1) of this section.

20 (b) If a county on the day it first initiates a project for any of  
21 the purposes specified in subsection (1) of this section had no bonded  
22 indebtedness payable from its general fund levy, the county board may  
23 make an annual levy of not to exceed five and two-tenths cents on each  
24 one hundred dollars upon the taxable value of all the taxable property of  
25 the county for a project or projects for any of the purposes specified in  
26 subsection (1) of this section without the filing of a petition described  
27 in subdivision (3)(a) of this section. The county board shall designate  
28 the particular project for which such levy shall be expended, the period  
29 of years, which shall not exceed twenty, for which the tax will be levied  
30 for such project, and the number of cents of the levy for each year  
31 thereof. The county board may designate more than one project and levy a  
1 tax pursuant to this section for each such project, concurrently or  
2 consecutively, as the case may be, if the aggregate levy in each year and  
3 the duration of each levy will not exceed the limitations specified in  
4 this subsection. Each levy for a project which is authorized by this  
5 subdivision may be imposed for such duration specified by the county  
6 board notwithstanding the contemporaneous existence or subsequent  
7 imposition of any other levy or levies for another project or projects  
8 imposed pursuant to this subdivision and notwithstanding the subsequent  
9 issuance by the county of bonded indebtedness payable from its general  
10 fund levy.

11 Sec. 2. Original section 23-120, Reissue Revised Statutes of  
12 Nebraska, is repealed.

**LEGISLATIVE BILL 337.** Placed on General File with amendment.

AM971

1 1. On page 2, line 1, strike "The" and insert "Except as otherwise  
 2 provided in subsection (2) of this section, the".  
 3 2. On page 3, line 13, after "(2)" insert "The office shall not be  
 4 required to include information described in subsection (1) of this  
 5 section for any agency which (a) had less than five million dollars in  
 6 expenditures of federal funds in each of the previous three fiscal years,  
 7 (b) had expenditures of federal funds which were less than twenty-five  
 8 percent of the total expenditures for the agency for each of the previous  
 9 three fiscal years, or (c) remains eligible to participate in and  
 10 receives federal student financial aid under Title IV of the federal  
 11 Higher Education Act of 1965, as amended.  
 12 (3)".

(Signed) Tom Brewer, Chairperson

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

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

Senator Hunt name added to LB517.

**VISITOR(S)**

Visitors to the Chamber were students and teachers from Maywood and Hayes Center; Isaac Else from Belvidere; students from Betz Elementary School, Bellevue; Senator Arch's son, Nicholas Arch, daughter-in-law, Shannon Arch, and grandchildren, Brooklyn and Preston Arch, from Indianapolis, IN; students from Sterling Public Schools; and students from St. Paul's Lutheran School, Plymouth.

**RECESS**

At 11:50 a.m., on a motion by Senator Vargas, 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 Senator Hilgers who was excused; and Senators Bolz, Brandt, Briese, Clements, Dorn, Erdman, Groene, B. Hansen, Hilkemann, Linehan, McDonnell, Morfeld, Pansing Brooks, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

**MESSAGE(S) FROM THE GOVERNOR**

April 22, 2019

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

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

This letter is to inform you that the request for confirmation of the appointment of Dustin Hoefs as a member of the Nebraska Niobrara Council is respectfully withdrawn.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 700.** Committee AM1098, found on page 1086 and considered in this day's Journal, was renewed.

Senator Bostelman offered the following motion:  
MO66  
Bracket until April 24, 2019.

Senator Bostelman withdrew his motion to bracket.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 538A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Sixth Legislature, First Session, 2019.

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

Senator Brewer filed the following amendment to LB411:  
AM1379 is available in the Bill Room.

**GENERAL FILE**

**LEGISLATIVE BILL 478.** Title read. Considered.

Committee AM1216, found on page 1174, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 595.** Senator Wayne withdrew his motion, MO31, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1164, found on page 1175, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 96.** Title read. Considered.

Committee AM497, found on page 704, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**VISITOR(S)**

Visitors to the Chamber were Jack Snyder from Lincoln; students from Ackerman Elementary School, Millard; students from Crete Middle School; Judy Templeman from Windsor, CO; students from Allen Consolidated Schools; students, teacher, and sponsors from Kimball Public School; and students from Wood River Rural Elementary School.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Wednesday, April 24, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-FOURTH DAY - APRIL 24, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 24, 2019

**PRAYER**

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

**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 Bolz, Linehan, Morfeld, Pansing Brooks, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-third day was approved.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 209.** Placed on General File with amendment.  
AM1432

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

2 sections:

3 Section 1. Section 28-327, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 28-327 No abortion shall be performed except with the voluntary and

6 informed consent of the woman upon whom the abortion is to be performed.

7 Except in the case of an emergency situation, consent to an abortion is

8 voluntary and informed only if:

9 (1) The woman is told the following by the physician who is to

10 perform the abortion, by the referring physician, or by a physician

11 assistant or registered nurse licensed under the Uniform Credentialing

12 Act who is an agent of either physician, at least twenty-four hours

13 before the abortion:

14 (a) The particular medical risks associated with the particular

15 abortion procedure to be employed including, when medically accurate, the  
16 risks of infection, hemorrhage, perforated uterus, danger to subsequent  
17 pregnancies, and infertility;

18 (b) The probable gestational age of the unborn child at the time the  
19 abortion is to be performed;

20 (c) The medical risks associated with carrying her child to term;  
21 ~~and~~

22 (d) That she cannot be forced or required by anyone to have an  
23 abortion and is free to withhold or withdraw her consent for an abortion;  
24 ~~and~~ -

25 (e) Research indicates that mifepristone alone is not always  
26 effective in ending a pregnancy. You may still have a viable pregnancy  
27 after taking mifepristone. If you change your mind and want to continue  
1 your pregnancy after taking mifepristone, information on finding  
2 immediate medical assistance is available on the web site of the  
3 Department of Health and Human Services.

4 The person providing the information specified in this subdivision  
5 to the person upon whom the abortion is to be performed shall be deemed  
6 qualified to so advise and provide such information only if, at a  
7 minimum, he or she has had training in each of the following subjects:  
8 Sexual and reproductive health; abortion technology; contraceptive  
9 technology; short-term counseling skills; community resources and  
10 referral; and informed consent. The physician or the physician's agent  
11 may provide this information by telephone without conducting a physical  
12 examination or tests of the patient, in which case the information  
13 required to be supplied may be based on facts supplied by the patient and  
14 whatever other relevant information is reasonably available to the  
15 physician or the physician's agent;

16 (2) The woman is informed by telephone or in person, by the  
17 physician who is to perform the abortion, by the referring physician, or  
18 by an agent of either physician, at least twenty-four hours before the  
19 abortion:

20 (a) The name of the physician who will perform the abortion;

21 (b) That medical assistance benefits may be available for prenatal  
22 care, childbirth, and neonatal care;

23 (c) That the father is liable to assist in the support of her child,  
24 even in instances in which the father has offered to pay for the  
25 abortion;

26 (d) That she has the right to review the printed materials described  
27 in section 28-327.01. The physician or his or her agent shall orally  
28 inform the woman that the materials have been provided by the Department  
29 of Health and Human Services and that they describe the unborn child, ~~and~~  
30 list agencies which offer alternatives to abortion, ~~and include~~

31 information on finding immediate medical assistance if she changes her  
1 mind after taking mifepristone and wants to continue her pregnancy. If  
2 the woman chooses to review the materials, they shall either be given to  
3 her at least twenty-four hours before the abortion or mailed to her at  
4 least seventy-two hours before the abortion by certified mail, restricted  
5 delivery to addressee, which means the postal employee can only deliver

6 the mail to the addressee. The physician and his or her agent may  
7 disassociate themselves from the materials and may comment or refrain  
8 from commenting on them as they choose; and

9 (e) That she has the right to request a comprehensive list, compiled  
10 by the Department of Health and Human Services, of health care providers,  
11 facilities, and clinics that offer to have ultrasounds performed by a  
12 person at least as qualified as a registered nurse licensed under the  
13 Uniform Credentialing Act, including and specifying those that offer to  
14 perform such ultrasounds free of charge. The list shall be arranged  
15 geographically and shall include the name, address, hours of operation,  
16 and telephone number of each entity. If requested by the woman, the  
17 physician who is to perform the abortion, the referring physician, or his  
18 or her agent shall provide such a list as compiled by the department;

19 (3) If an ultrasound is used prior to the performance of an  
20 abortion, the physician who is to perform the abortion, the referring  
21 physician, or a physician assistant or registered nurse licensed under  
22 the Uniform Credentialing Act who is an agent of either physician, or any  
23 qualified agent of either physician, shall:

24 (a) Perform an ultrasound of the woman's unborn child of a quality  
25 consistent with standard medical practice in the community at least one  
26 hour prior to the performance of the abortion;

27 (b) Simultaneously display the ultrasound images so that the woman  
28 may choose to view the ultrasound images or not view the ultrasound  
29 images. The woman shall be informed that the ultrasound images will be  
30 displayed so that she is able to view them. Nothing in this subdivision  
31 shall be construed to require the woman to view the displayed ultrasound  
1 images; and

2 (c) If the woman requests information about the displayed ultrasound  
3 image, her questions shall be answered. If she requests a detailed,  
4 simultaneous, medical description of the ultrasound image, one shall be  
5 provided that includes the dimensions of the unborn child, the presence  
6 of cardiac activity, if present and viewable, and the presence of  
7 external members and internal organs, if present and viewable;

8 (4) At least one hour prior to the performance of an abortion, a  
9 physician, psychiatrist, psychologist, mental health practitioner,  
10 physician assistant, registered nurse, or social worker licensed under  
11 the Uniform Credentialing Act has:

12 (a) Evaluated the pregnant woman to identify if the pregnant woman  
13 had the perception of feeling pressured or coerced into seeking or  
14 consenting to an abortion;

15 (b) Evaluated the pregnant woman to identify the presence of any  
16 risk factors associated with abortion;

17 (c) Informed the pregnant woman and the physician who is to perform  
18 the abortion of the results of the evaluation in writing. The written  
19 evaluation shall include, at a minimum, a checklist identifying both the  
20 positive and negative results of the evaluation for each risk factor  
21 associated with abortion and both the licensed person's written  
22 certification and the woman's written certification that the pregnant  
23 woman was informed of the risk factors associated with abortion as

24 discussed; and  
25 (d) Retained a copy of the written evaluation results in the  
26 pregnant woman's permanent record;  
27 (5) If any risk factors associated with abortion were identified,  
28 the pregnant woman was informed of the following in such manner and  
29 detail that a reasonable person would consider material to a decision of  
30 undergoing an elective medical procedure:  
31 (a) Each complication associated with each identified risk factor;  
1 and  
2 (b) Any quantifiable risk rates whenever such relevant data exists;  
3 (6) The physician performing the abortion has formed a reasonable  
4 medical judgment, documented in the permanent record, that:  
5 (a) The preponderance of statistically validated medical studies  
6 demonstrates that the physical, psychological, and familial risks  
7 associated with abortion for patients with risk factors similar to the  
8 patient's risk factors are negligible risks;  
9 (b) Continuance of the pregnancy would involve risk of injury to the  
10 physical or mental health of the pregnant woman greater than if the  
11 pregnancy were terminated by induced abortion; or  
12 (c) Continuance of the pregnancy would involve less risk of injury  
13 to the physical or mental health of the pregnant woman than if the  
14 pregnancy were terminated by an induced abortion;  
15 (7) The woman certifies in writing, prior to the abortion, that:  
16 (a) The information described in subdivisions (1) and (2)(a), (b),  
17 and (c) of this section has been furnished her;  
18 (b) She has been informed of her right to review the information  
19 referred to in subdivision (2)(d) of this section; and  
20 (c) The requirements of subdivision (3) of this section have been  
21 performed if an ultrasound is performed prior to the performance of the  
22 abortion; and  
23 (8) Prior to the performance of the abortion, the physician who is  
24 to perform the abortion or his or her agent receives a copy of the  
25 written certification prescribed by subdivision (7) of this section. The  
26 physician or his or her agent shall retain a copy of the signed  
27 certification form in the woman's medical record.  
28 Sec. 2. Section 28-327.01, Reissue Revised Statutes of Nebraska, is  
29 amended to read:  
30 28-327.01 (1) The Department of Health and Human Services shall  
31 cause to be published the following easily comprehensible printed  
1 materials:  
2 (a) Geographically indexed materials designed to inform the woman of  
3 public and private agencies and services available to assist a woman  
4 through pregnancy, upon childbirth, and while the child is dependent,  
5 including adoption agencies and agencies and services for prevention of  
6 unintended pregnancies, which materials shall include a comprehensive  
7 list of the agencies available, a description of the services they offer,  
8 and a description of the manner, including telephone numbers and  
9 addresses in which such agencies may be contacted or printed materials  
10 including a toll-free, twenty-four-hour-a-day telephone number which may

11 be called to orally obtain such a list and description of agencies in the  
12 locality of the caller and of the services they offer;

13 (b) Materials designed to inform the woman of the probable  
14 anatomical and physiological characteristics of the unborn child at two-  
15 week gestational increments from the time when a woman can be known to be  
16 pregnant to full term, including pictures or drawings representing the  
17 development of unborn children at the two-week gestational increments,  
18 and any relevant information on the possibility of the unborn child's  
19 survival. Any such pictures or drawings shall contain the dimensions of  
20 the unborn child and shall be realistic and appropriate for the stage of  
21 pregnancy depicted. The materials shall be objective, nonjudgmental, and  
22 designed to convey only accurate scientific information about the unborn  
23 child at the various gestational ages. The materials shall also contain  
24 objective information describing the methods of abortion procedures  
25 commonly employed, the medical risks commonly associated with each such  
26 procedure, the possible detrimental psychological effects of abortion,  
27 the medical risks commonly associated with abortion, and the medical  
28 risks commonly associated with carrying a child to term; ~~and~~

29 (c) A comprehensive list of health care providers, facilities, and  
30 clinics that offer to have ultrasounds performed by a person at least as  
31 qualified as a registered nurse licensed under the Uniform Credentialing  
1 Act, including and specifying those that offer to perform such  
2 ultrasounds free of charge. The list shall be arranged geographically and  
3 shall include the name, address, hours of operation, and telephone number  
4 of each entity; -

5 (d) Materials designed to inform the woman that she may still have a  
6 viable pregnancy after taking mifepristone. The materials shall include  
7 the following statements: "Research indicates that mifepristone alone is  
8 not always effective in ending a pregnancy. You may still have a viable  
9 pregnancy after taking mifepristone. If you change your mind and want to  
10 continue your pregnancy after taking mifepristone, it may not be too  
11 late."; and

12 (e) Materials, including contact information, that will assist the  
13 woman in finding a medical professional who can help her continue her  
14 pregnancy after taking mifepristone.

15 (2) The printed materials shall be printed in a typeface large  
16 enough to be clearly legible.

17 (3) The printed materials required under this section shall be  
18 available from the department upon the request by any person, facility,  
19 or hospital for an amount equal to the cost incurred by the department to  
20 publish the materials.

21 (4) The Department of Health and Human Services shall make available  
22 on its Internet web site a printable publication of geographically  
23 indexed materials designed to inform the woman of public and private  
24 agencies with services available to assist a woman with mental health  
25 concerns, following a risk factor evaluation. Such services shall  
26 include, but not be limited to, outpatient and crisis intervention  
27 services and crisis hotlines. The materials shall include a comprehensive  
28 list of the agencies available, a description of the services offered,

29 and a description of the manner in which such agencies may be contacted,  
 30 including addresses and telephone numbers of such agencies, as well as a  
 31 toll-free, twenty-four-hour-a-day telephone number to be provided by the  
 1 department which may be called to orally obtain the names of the agencies  
 2 and the services they provide in the locality of the woman. The  
 3 department shall update the publication as necessary.

4 (5) The Department of Health and Human Services shall publish and  
 5 make available on its web site materials designed to inform the woman  
 6 that she may still have a viable pregnancy after taking mifepristone. The  
 7 materials shall include the following statements: "Research indicates  
 8 that mifepristone alone is not always effective in ending a pregnancy.  
 9 You may still have a viable pregnancy after taking mifepristone. If you  
 10 change your mind and want to continue your pregnancy after taking  
 11 mifepristone, it may not be too late." The materials shall also include  
 12 information, including contact information, that will assist the woman in  
 13 finding a medical professional who can help her continue her pregnancy  
 14 after taking mifepristone.

15 (6) The Department of Health and Human Services shall review and  
 16 update, as necessary, the materials, including contact information,  
 17 regarding medical professionals who can help a woman continue her  
 18 pregnancy after taking mifepristone.

19 Sec. 3. Original sections 28-327 and 28-327.01, Reissue Revised  
 20 Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 90.** Introduced by Scheer, 19; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Congress passed the Act of July 2, 1862, commonly known as the first Morrill Act, which was signed by President Abraham Lincoln, to allow for the establishment of land-grant colleges offering programs teaching agriculture and the mechanic arts; and

WHEREAS, on February 15, 1869, the Nebraska Legislature unanimously passed, and Nebraska Governor David Butler signed, legislation enabling the charter and founding of the University of Nebraska; and

WHEREAS, the charter established the University of Nebraska as an institution to afford to the inhabitants of this state the means of acquiring a

thorough knowledge of the various branches of literature, science and the arts; and

WHEREAS, in 1871, the University of Nebraska opened its doors to men and women across the State of Nebraska, with an inaugural class of 130 students; and

WHEREAS, the University of Nebraska, now known as the University of Nebraska-Lincoln, has grown to an enrollment of 25,820 students; and

WHEREAS, the University of Nebraska-Lincoln is a national leader in academic excellence, research, and service; and

WHEREAS, the University of Nebraska-Lincoln had a \$2.2 billion economic impact on the State of Nebraska in 2018, including more than \$300,000,000 in research expenditures; and

WHEREAS, the University of Nebraska-Lincoln provided more than 5,000 new graduates to the workforce last year; and

WHEREAS, the University of Nebraska-Lincoln serves the needs of students, families, and communities across the State of Nebraska through activities in all 93 counties of the state; and

WHEREAS, the University of Nebraska-Lincoln is a leader in research in areas such as water and agriculture, national security and defense, early childhood education, and rural development; and

WHEREAS, the University of Nebraska-Lincoln is instrumental in celebrating the culture of the State of Nebraska and the region in which the state is located through the University of Nebraska State Museum, the Center for Great Plains Studies, the International Quilt Study Center and Museum, and the Larsen Tractor Test and Power Museum; and

WHEREAS, the Husker athletic programs at the University of Nebraska-Lincoln create pride and joy on the fields of play and in the hearts of alumni and fans; and

WHEREAS, the University of Nebraska-Lincoln has 333 Academic All-Americans, more than any other institution of higher education in the United States; and

WHEREAS, more than 200,000 alumni residing in all 50 states, and in countries around the world, are proud to call the University of Nebraska-Lincoln their alma mater; and

WHEREAS, There Is No Place Like Nebraska.

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

1. That the Legislature recognizes the 150th anniversary of the University of Nebraska-Lincoln.

2. That the Legislature commends the University of Nebraska-Lincoln for its status as a leading public university that excels in academics, athletics, and quality of life for students.

3. That copies of this resolution be sent to the Chancellor of the University of Nebraska-Lincoln and the President of the University of Nebraska system.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 538A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 179.** The Wayne motion, MO32, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was withdrawn.

Title read. Considered.

Committee AM736, found on page 1169, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 468.** Title read. Considered.

Committee AM1166, found on page 1082, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Walz withdrew her amendment, AM46, found on page 394.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 91.** Introduced by Hughes, 44.

WHEREAS, Randy Hayes is retiring after 36 years of teaching vocal music at Chase County Schools in grades 7 to 12; and

WHEREAS, Randy taught at Chase County Schools from 1971 to 1979, and again from 1991 to 2019; and

WHEREAS, Randy directs the Chase County High School show choir, known as the 9th Street Singers, helping these students earn consistent superior ratings, best of class trophies, and accolades for outstanding vocal music performances; and

WHEREAS, Randy also successfully directed the 7th and 8th grade Chase County show choir which has competed successfully in western Nebraska; and

WHEREAS, in addition to performing in shows and competitions across Nebraska, the 9th Street Singers travel to Branson, Missouri under the leadership of Randy Hayes; and

WHEREAS, Randy shares his musical talents with the congregations of the Church of Christ in Wauneta, as a minister, and in Stratton, as an evangelist.

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

1. That the Legislature honors Randy Hayes for his commitment to the arts and the education of students in Chase County, and congratulates him on his retirement.
2. That a copy of this resolution be sent to Randy Hayes.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Wednesday, May 1, 2019 1:00 p.m.

Roger A. Wells - Nebraska Rural Health Advisory Commission (rehearing)  
Frances Beaurivage - Commission for the Deaf and Hard of Hearing  
Sandra Shaw - Commission for the Deaf and Hard of Hearing

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 418.** Title read. Considered.

Committee AM1266, found on page 1167, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 560.** Title read. Considered.

Committee AM1414, found on page 1199, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 433.** Title read. Considered.

Committee AM981, found on page 1170, was adopted with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 86.** Title read. Considered.

Committee AM792, found on page 900, was offered.

Senator Wayne offered his amendment, AM1199, found on page 1243, to the committee amendment.

The Wayne amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 675.** Placed on General File with amendment.

AM1308

1 1. Strike original section 19 and insert the following new sections:  
2 Section 1. Section 77-3446, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 77-3446 Base limitation means the budget limitation rate applicable  
5 to school districts and the limitation on growth of restricted funds  
6 applicable to other political subdivisions prior to any increases in the  
7 rate as a result of special actions taken by a supermajority of any  
8 governing board or of any exception allowed by law. The base limitation  
9 is two and one-half percent until adjusted, except that the base  
10 limitation for school districts for school fiscal years 2017-18 and  
11 2018-19 is one and one-half percent and for school fiscal year 2019-20 is  
12 two and fifteen-hundredths percent. The base limitation may be adjusted  
13 annually by the Legislature to reflect changes in the prices of services  
14 and products used by school districts and political subdivisions.  
15 Sec. 58. Since an emergency exists, this act takes effect when  
16 passed and approved according to law.  
17 2. On page 27, lines 12 and 18, strike "14" and insert "17".  
18 3. On page 44, line 28, strike "by", reinstate the stricken matter,  
19 and strike "the McKinney-Vento Homeless Assistance Act," and show as  
20 stricken; and in line 29 strike "11434" and insert "11434a".  
21 4. Renumber the remaining sections and correct the repealer  
22 accordingly.

(Signed) Mike Groene, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 92.** Introduced by Lowe, 37.

**PURPOSE:** The purpose of this interim study is to examine and compare the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states. The study may examine the most efficient methods for reducing the number of rules and regulations.

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

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

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

Referred to the Executive Board.

**VISITOR(S)**

Visitors to the Chamber were students from St. Wenceslaus Catholic School, Wahoo; students from Anderson Grove Elementary School, Papillion/La Vista; students from Southern Elementary School, Blue Springs; students from Bruning-Davenport Elementary School; members of Jobs for America's Graduates from Macy, Fremont, and Columbus; Representative Bill Rhiley from the Kansas House of Representatives; and Congressman Jeff Fortenberry from Lincoln, Tanisha Lewis from Bellevue, and Muffy Day from Washington D.C.

**RECESS**

At 11:48 a.m., on a motion by Senator Kolterman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, Hughes, Morfeld, Stinner, and Vargas who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 470.** Title read. Considered.

Committee AM896, found on page 927, was offered.

Senator La Grone withdrew his amendment, AM1096, found on page 1177.

Senator La Grone offered the following amendment to the committee amendment:

AM1461 is available in the Bill Room.

The La Grone amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 23.** Placed on Final Reading.  
**LEGISLATIVE BILL 31.** Placed on Final Reading.  
**LEGISLATIVE BILL 31A.** Placed on Final Reading.  
**LEGISLATIVE BILL 180.** Placed on Final Reading.  
**LEGISLATIVE BILL 222.** Placed on Final Reading.  
**LEGISLATIVE BILL 252.** Placed on Final Reading.  
**LEGISLATIVE BILL 304.** Placed on Final Reading.  
**LEGISLATIVE BILL 428.** Placed on Final Reading.  
**LEGISLATIVE BILL 445.** Placed on Final Reading.  
**LEGISLATIVE BILL 556.** Placed on Final Reading.  
**LEGISLATIVE BILL 556A.** Placed on Final Reading.

**LEGISLATIVE BILL 585.** Placed on Final Reading.

ST15

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "amend" in line 1 through line 8 and all amendments thereto has been struck and "define terms; to create the Renewable Fuel Infrastructure Program; to provide for grants; to create a fund; and to provide an operative date." inserted.

**LEGISLATIVE BILL 638.** Placed on Final Reading.

**LEGISLATIVE BILL 641.** Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER83, on page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "health and human services; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to define 211 Information and Referral Network; to provide for grants; to create a fund; to change provisions relating to transfers to and from the Nebraska Health Care Cash Fund; to state intent; and to repeal the original section." inserted.

**LEGISLATIVE BILL 663.** Placed on Final Reading.

**LEGISLATIVE BILL 698.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 414.** Placed on General File.

(Signed) Tom Brewer, Chairperson

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

Senator Crawford filed the following amendment to LB237:  
AM1476

(Amendments to AM1319)

1 1. On page 5, strike beginning with "one-half" in line 29 through  
2 line 31 and insert "an additional amount equal to one-half of one percent  
3 of all amounts in excess of six thousand dollars remitted each month.  
4 Prior to January 1, 2023, fifty percent of such additional amount shall  
5 be deposited in the county general fund and fifty percent of such  
6 additional amount shall be deposited in the county road fund. On and  
7 after January 1, 2023, seventy-five percent of such additional amount  
8 shall be deposited in the county general fund and twenty-five percent of  
9 such additional amount shall be deposited in the county road fund.".  
10 2. On page 6, line 1, strike beginning with "which" through the  
11 period; and in line 5 strike "October 1, 2019" and insert "January 1,  
12 2020".  
13 3. On page 15, line 2, strike "October 1, 2019" and insert "January  
14 1, 2020".

**MESSAGE(S) FROM THE GOVERNOR**

April 24, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 59, 87, 212, 268, 316e, 320, 352, 390, 514, 603, 637e, and 713 were received in my office on April 18, 2019.

These bills were signed and delivered to the Secretary of State on April 24, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 24, 2019

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

Dear Mr. President and Members of the Legislature:

I am returning LB 472 without my signature and with my objections.

The bill allows the County Board of Gage County, and other counties facing federal judgments in excess of \$25 million, to impose a sales and use tax of one-half of one percent with a two-thirds majority vote of the board. This bypasses a vote of the people. Traditionally, the Legislature has not authorized political subdivisions to impose new taxes on Nebraskans without a vote of the people.

In Nebraska, we trust the people to make political decisions on a myriad of issues. These include referenda on the death penalty and Medicaid expansion. Despite the claims by supporters of LB 472 to the contrary, I believe the people can be counted on to do the right thing.

The events leading to LB 472's introduction are indeed tragic. It is tragic that Gage County's law enforcement officers violated the civil rights of the Beatrice Six. It is tragic that the County did not have the proper insurance thus necessitating the county to raise property taxes to pay the federal judgment. Finally, it is tragic that the residents of Gage County will have to pay extremely large property taxes for the unscrupulous actions of their

elected officials. However, none of these tragedies are severe enough to authorize the County to break with the principle of allowing the people to vote on whether to raise sales taxes in their community.

Fear that the people will not vote to increase their taxes should not lead the Legislature to circumvent taxpayers by allowing a political subdivision to impose a tax without the consent of those taxpayers. This bill sets a dangerous precedent for authorizing a sales tax increase.

For these reasons, I respectfully urge you to sustain my veto of LB 472.

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **VISITOR(S)**

Visitors to the Chamber were students from Hillrise Elementary School, Elkhorn.

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

#### **ADJOURNMENT**

At 3:54 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, April 25, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FIFTH DAY - APRIL 25, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 25, 2019

**PRAYER**

The prayer was offered by Pastor Michael Wolfe, Plattsmouth Bible Church, Plattsmouth.

**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 Senator Brewer who was excused; and Senators Cavanaugh, DeBoer, Friesen, Linehan, McCollister, Morfeld, Stinner, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**ATTORNEY GENERAL'S OPINION**

Opinion 19-006

SUBJECT:            Constitutionality of LB 512 as Amended - Valuation  
                          of Destroyed Property for Taxation

REQUESTED BY:    Senator Ernie Chambers  
                          Nebraska State Legislature

WRITTEN BY:       Douglas J. Peterson, Attorney General  
                          Lynn A. Melson, Assistant Attorney General

**INTRODUCTION**

You have requested an opinion from this office on the constitutionality of AM1217 to LB 512 and, in particular, §§ 10-13 of AM1217. In general terms, these provisions would provide property tax relief to those with

destroyed real property by requiring the county board of equalization to adjust the assessed value of the property. You have requested our opinion whether these provisions of AM1217 would violate Neb. Const. art. VIII, § 1, the "uniformity clause."

AM1217, §§ 10 and 11 provide that, for purposes of Chapter 77 of the Nebraska statutes, the term "destroyed real property means real property that is destroyed by fire or other natural disaster on or after January 1 and before October 1 of any year."<sup>1</sup> Section 12 provides that the county assessor must report to the county board of equalization all real property in the county that becomes destroyed real property and that the county board of equalization must then adjust the value of that property. Section 13 then provides that the adjusted value will be the sum of the following three factors:

- (a) The assessed value of the real property before it became destroyed real property multiplied by a percentage representing the portion of the year during which the property was intact and had not yet been destroyed;
- (b) The assessed value of the destroyed real property, as of the date of its destruction, multiplied by a percentage representing the portion of the year during which the property was destroyed and no replacement property had yet been completed; and
- (c) The assessed value of any replacement property, as of the date of completion of construction of such replacement property, multiplied by a percentage representing the portion of the year during which construction of such replacement property was complete.

Section 13 goes on to provide that the county board of equalization will give notice of the new assessed value to the property owner who may file a protest with the board and may appeal the decision of the county board of equalization to the Tax Equalization and Review Commission.

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<sup>1</sup> Because the language of AM1217 refers to destroyed property and construction of replacement property, we understand the bill would not apply to damage to the land itself. This interpretation is consistent with comments made by the amendment's introducer. [Floor Debate on LB 512](#), 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 8, 15 (April 5, 2019) ("The valuation will never to go zero because...the land is still going to be there...and the taxation will continue on that parcel....") (Statement of Sen. Erdman).

## ANALYSIS

### I. Uniformity Clause

Your question is whether these provisions would violate Neb. Const. art. VIII, § 1. The "uniformity clause" of our state Constitution provides that "[T]axes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution." In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

Also pertinent to our discussion is Neb. Rev. Stat. § 77-201(1) (2018), which requires that all real property, except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, be valued at its actual value. "Actual value" is defined at Neb. Rev. Stat. § 77-112 (2018), for purposes of taxation, as "the market value of real property in the ordinary course of trade." And, with respect to assessment of real property taxes, Neb. Rev. Stat. § 77-1301(1) (2018) provides: "All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m., which assessment shall be used as a basis for taxation until the next assessment."

This office recently discussed the Nebraska case law concerning the uniformity clause in Op. Att'y Gen. No. 16007 (March 16, 2016). We will summarize that discussion here. "The object of the uniformity clause is accomplished 'if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value.'" *Constructors, Inc. v. Cass County Bd. of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000) ["*Constructors*"] (quoting *County of Gage v. State Bd. of Equal.*, 185 Neb. 749, 755, 178 N.W.2d 759, 764 (1970)). "The Legislature may prescribe standards and methods for the determination of the value of real . . . property at uniform and proportionate values." *Carpenter v. State Bd. of Equal.*, 178 Neb. 611, 615, 134 N.W.2d 272, 276 (1965). "The uniform method for valuing property which the Legislature has provided is to tax property at its 'actual value.'" *Xerox Corp. v. Karnes*, 217 Neb. 728, 732, 350 N.W.2d 566, 569 (1984). ["*Xerox*"] (quoting Neb. Rev. Stat. § 77-201). "While absolute uniformity of approach may not be possible, there must be a reasonable attempt at uniformity." *County of Sarpy v. State Bd. of Equal.*, 185 Neb. 760, 765, 178 N.W.2d 765, 769 (1970).

In analyzing the constitutionality of AM1217, we first note that "[s]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." *Gourley v. Nebraska Methodist Health System, Inc.*, 265 Neb. 918, 942, 663 N.W.2d 43, 68 (2003). If LB 512 with AM1217 is enacted, anyone seeking to have its provisions declared unconstitutional will bear the burden of overcoming the presumption of constitutionality.

The Nebraska Supreme Court has adopted a strict construction of our state's uniformity clause, which raises a question as to the constitutionality of AM1217. The taxation of property "must be uniform, not only as to the rate of taxation, but to the valuation of the property as well." *State ex rel. Meyer v. McNeil*, 185 Neb. 586, 588, 177 N.W.2d 596, 598 (1970) ["*McNeil*"]. The Court held in *McNeil* that legislation attempting to provide a different method of valuing certain farm machinery and equipment violated the uniformity clause. "The establishment of two methods of valuation of property in the same class for taxation purposes results in a want of uniformity within the constitutional prohibition of Article VIII, section 1." *Id.* at 588, 177 N.W.2d at 598. "There can be no difference in the method of determining valuation or the rate of tax to be imposed unless the separate classification rests on some reason of public policy, some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation . . . ." *Id.* at 588-89, 177 N.W.2d at 598.

In *Xerox*, the Court considered the effect of an amendment to Neb. Rev. Stat. § 77-1301(1), and its interpretation by the Tax Commissioner, which resulted in *Xerox* being required to pay personal property taxes on leased equipment based on actual value determined only in odd-numbered years. No changes could be made to account for actual depreciation in even-numbered years. The Court held that the amended statute violated the uniformity clause "in that it directs that taxes be levied upon personal property in even-numbered years without regard to the uniform method of valuing property at actual value as provided in § 77-201 . . . ." *Id.* at 733, 350 N.W.2d at 569.

More recently, in *Constructors*, the Court again stated that the uniformity clause requires that all property within a taxing jurisdiction be assessed and taxed at a uniform standard of value. A valuation scheme which created two subclasses of land, farmland controlled by mining companies and similar farmland not controlled by mining companies, and provided differential tax treatment of each subclass was found to violate the uniformity clause.

Here, with the enactment of AM1217, most real property would continue to be valued at its actual value on January 1, pursuant to Neb. Rev. Stat. § 77-1301(1), without taking into account any fluctuations in value. Other "destroyed real property" would be valued on a different date with use of a statutory prorated formula. The Nebraska Supreme Court has not yet addressed legislation such as that proposed in AM1217. It is possible that the Court could find that AM1217 establishes a second, non-uniform standard of value for destroyed real property. However, in our view, it is also possible that the Court could determine that the creation of a different assessment date and adjustment of assessed value of the destroyed property on that date does not violate our state constitution's uniformity clause.

Outside of the plain language of a statute, a legislative body's purpose in enacting legislation can be determined by examining the legislative history of the bill. *Sarpy County Farm Bureau v. Learning Community of Douglas*, 283 Neb. 212, 808 N.W.2d 598 (2012) (in which the Court considered both the language of a statutory scheme and its legislative history in determining whether a statute violated art. VIII, § 1A). The Court could, therefore, consider any relevant committee hearing testimony and floor debate with regard to AM1217, and for LB 482, which was amended into LB 512 as AM1217. While the committee hearing transcripts are not yet available, we note that, in the floor debate on AM1217, senators expressed a need for differential tax treatment based on a public policy of fairness and the sudden, unforeseen and calamitous nature of a natural disaster. Floor Debate on LB 512, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 8-9 (April 5, 2019) (Statement of Sen. Erdman). Introducer's Statement of Intent on LB 482, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess.

Thus, even if the Court should find that AM1217 creates a separate classification for taxation purposes, an argument could be made that the separate classification for real property destroyed by a natural disaster rests on a "substantial difference of situation or circumstances" so as to justify the separate classification.<sup>2</sup>

## II. Implementation of LB 512 with AM1217

If the Legislature decides to pursue property tax relief through LB 512, as amended by AM1217, there are several issues to be considered and corrected. First, while AM1217 adds a definition of "destroyed real property" to the definitions currently found at Neb. Rev. Stat. §§ 77-102 to 77-132, and which are to be used for purposes of Chapter 77, it fails to amend Neb. Rev. Stat. § 77-1301. Therefore, it would leave in place the requirement that all real property be assessed as of January 1. Language should be added to § 77-1301(1) which would exclude "destroyed real property" from the January 1 assessment date.

Second, the definition of "destroyed real property" at § 11 of AM1217, as "real property that is destroyed by fire or other natural disaster," may be unclear and, perhaps, insufficient to accomplish the intended purpose of the

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<sup>2</sup> A number of other states have enacted legislation to provide tax relief to certain property owners whose property has been damaged or destroyed. These statutes vary greatly. *See*, for example, Tenn. Code Ann. § 67-5-603; Cal. Rev. and Tax Code § 170; N.D. Cent. Code. Ann. §§ 57-02-11 and 57-23-04.7; Tex. Tax Code Ann. § 23.02; Ind. Code § 6-1.1-4-11; 35 Ill. Comp. Stat. 200/ 9-190; and Or. Rev. Stat. § 308.425. We note that at least two of these states, Oregon and California, have constitutional provisions which specifically authorize the differential tax treatment. The constitutions of other states, however, may not have uniformity clauses, or may have clauses which differ from Neb. Const. art. VIII, § 1.

amendment. It is not clear whether real property destroyed by all fires would be included in the definition or only those due to a natural disaster. And, it is not entirely clear what would be encompassed by the term "natural disaster." In addition, the term "destroyed" would likely be read to mean completely uninhabitable or unfit for customary use. If that is not the intent, the language should be modified.

Third, the time frame set forth in AM1217 may allow insufficient time for the county assessor and county board of equalization to act prior to the statutory deadline for the county tax levy. Neb. Rev. Stat. § 77-1601(1) (2018) provides that the county board of equalization shall levy the necessary taxes on or before October 15. AM1217 defines "destroyed real property" as real property that is destroyed "on or after January 1 and before October 1 of any year." Depending on the date of destruction, there will simply be insufficient time prior to October 15 for the entire process set forth in AM1217 to occur. The county assessor must learn of and report the destroyed real property. The county board of equalization must meet to adjust the assessed value, and give the notice of assessed value to the record owner as provided by AM1217. There must also be time for the protest provided by § 13(3).<sup>3</sup>

### CONCLUSION

The Nebraska Supreme Court has not yet addressed an enactment similar to AM1217 with regard to the uniformity clause and the Court's past strict construction of Neb. Const. art. VIII, § 1 raises some concerns regarding the constitutionality of the legislation. However, it is our opinion that the provisions of AM1217 do not clearly contravene the uniformity clause of our state Constitution.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-623-29

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<sup>3</sup> Any change in assessed value after the statutory tax levy deadline would violate Nebraska's "commutation clause," which is found at Neb. Const., art. VIII, § 4. Once the tax is levied, "the legislature cannot reduce the amount of the tax, extend the time for payment, or in any manner change the method of payment." *Steinacher v. Swanson*, 131 Neb. 439, 446, 268 N.W. 317, 321 (1936).

**GENERAL FILE**

**LEGISLATIVE BILL 44.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Senator Morfeld offered the following amendment:

AM1495

- 1 1. Insert the following new section:
- 2 Sec. 41. The Department of Health and Human Services shall notify
- 3 the chairperson and members of the Health and Human Services Committee of
- 4 the Legislature prior to submitting any request or application to the
- 5 Centers for Medicare and Medicaid Services of the United States
- 6 Department of Health and Human Services for a demonstration waiver under
- 7 section 1115 of the federal Social Security Act. Such notification shall
- 8 be made electronically and shall include a copy of the application for
- 9 the federal waiver. The Health and Human Services Committee of the
- 10 Legislature shall hold a public hearing on such waiver application. The
- 11 Nebraska Department of Health and Human Services shall not submit any
- 12 such request or application to the Centers for Medicare and Medicaid
- 13 Services until the department receives notification that the Legislature
- 14 has approved the request or application for the waiver under section
- 15 1115.
- 16 2. Renumber the remaining sections accordingly.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 93.** Introduced by Howard, 9; Cavanaugh, 6; DeBoer, 10; Hilkemann, 4; Hunt, 8; Kolowski, 31; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Vargas, 7; Wayne, 13.

WHEREAS, Share Omaha is providing nonprofit organizations in the Omaha area the opportunity to connect with volunteers and donors; and

WHEREAS, Share Omaha has become a one-stop shop for people who give back to their community through volunteerism and financial support; and

WHEREAS, Share Omaha provides online connections to approximately one hundred and seventy nonprofit organizations; and

WHEREAS, volunteers and donors can use Share Omaha to filter through and find organizations for a specific cause or interest; and

WHEREAS, Share Omaha provides an open and inclusive platform for the entire nonprofit community giving all organizations the chance to be seen regardless of their size or budget; and

WHEREAS, Share Omaha is increasing collaboration between hundreds of nonprofit organizations.

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

1. That the Legislature appreciates the hard work of Share Omaha and their commitment to helping nonprofit organizations.
2. That the Legislature encourages Nebraskans to use Share Omaha to access information on the nonprofit organizations working in the Omaha area.
3. That a copy of this resolution be sent to the Board of Directors of Share Omaha.

Laid over.

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

Senator Friesen filed the following amendment to LB149:

AM1478

(Amendments to Standing Committee amendments, AM901)

- 1 1. On page 1, line 5; page 3, line 23; page 4, line 13; page 5, line 2 9; page 6, line 26; and page 7, lines 2, 4, 20, and 24, strike "nineteen" 3 and insert "twenty-one".

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 6.** Placed on Final Reading.  
**LEGISLATIVE BILL 356.** Placed on Final Reading.  
**LEGISLATIVE BILL 405.** Placed on Final Reading.  
**LEGISLATIVE BILL 524.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were Dr. Kenneth Wasmund II from Omaha; Amelia Buhlke from Central City; and students from Norfolk Catholic School.

**RECESS**

At 11:46 a.m., on a motion by Senator Williams, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Friesen, Geist, Groene, La Grone, Murman, Quick, and Walz who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 44.** Senator Slama offered the following motion:

MO67

Bracket until June 6, 2019.

Senator Slama withdrew her motion to bracket.

Senator Morfeld withdrew his amendment, AM1495, found in this day's Journal.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

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

Voting in the affirmative, 17:

Bolz	DeBoer	Kolowski	Morfeld	Wishart
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	
Chambers	Howard	McCollister	Vargas	
Crawford	Hunt	McDonnell	Wayne	

Voting in the negative, 25:

Albrecht	Clements	Gragert	Hughes	Murman
Arch	Dorn	Groene	La Grone	Scheer
Bostelman	Erdman	Halloran	Linehan	Slama
Brandt	Friesen	Hansen, B.	Lowe	Stinner
Briese	Geist	Hilgers	Moser	Williams

Present and not voting, 3:

Hilkemann	Kolterman	Lindstrom
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Excused and not voting, 4:

Blood	Brewer	Quick	Walz
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Failed to advance to Enrollment and Review Initial with 17 ayes, 25 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 177.** Senator Erdman renewed his amendment, FA50, found on page 1238 and considered on page 1254.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 130.** Placed on Final Reading.

ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 6, "to provide reporting requirements for the Department of Health and Human Services;" has been inserted after the last semicolon.

**LEGISLATIVE BILL 130A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Senator Dorn filed the following motion to LB472:

MO68

Becomes law notwithstanding the objections of the Governor.

**SELECT FILE**

**LEGISLATIVE BILL 177.** The Erdman amendment, FA50, found on page 1238 and considered on page 1254 and in this day's Journal, was renewed.

Senator Erdman offered the following motion:

MO69

Bracket until June 6, 2019.

**SENATOR WAYNE PRESIDING**

Senator Lindstrom offered the following motion:

MO70

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lindstrom moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Senator Lindstrom requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 36:

Arch	Dorn	Hunt	McDonnell	Walz
Blood	Friesen	Kolowski	Morfeld	Wayne
Bolz	Geist	Kolterman	Moser	Williams
Brandt	Gragert	La Grone	Pansing Brooks	Wishart
Briese	Hansen, M.	Lathrop	Quick	
Cavanaugh	Hilkemann	Lindstrom	Scheer	
Crawford	Howard	Linehan	Stinner	
DeBoer	Hughes	McCollister	Vargas	

Voting in the negative, 9:

Albrecht	Clements	Groene	Hansen, B.	Murman
Bostelman	Erdman	Halloran	Hilgers	

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Brewer	Low	Slama
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The Lindstrom motion to invoke cloture prevailed with 36 ayes, 9 nays, 1 present and not voting, and 3 excused and not voting.

The Erdman motion to bracket failed with 7 ayes, 33 nays, 6 present and not voting, and 3 excused and not voting.

The Erdman amendment, FA50, lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Health and Human Services

**LEGISLATIVE BILL 205.** Placed on General File with amendment.  
AM1436

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

3 Section 1. Sections 1 to 19 of this act shall be known and may be

4 cited as the Surgical Technologist Registration Act.

5 Sec. 2. For purposes of the Surgical Technologist Registration Act,

6 the definitions found in sections 3 to 6 of this act apply.  
7 Sec. 3. Board means the Board of Medicine and Surgery.  
8 Sec. 4. Department means the Department of Health and Human  
9 Services.  
10 Sec. 5. Registered surgical technologist means a person registered  
11 as a surgical technologist pursuant to the Surgical Technologist  
12 Registration Act.  
13 Sec. 6. Surgical Technologist Registry means the registry created  
14 pursuant to section 10 of this act.  
15 Sec. 7. Beginning January 1, 2020, any surgical technologist  
16 contracted with or employed as a surgical technologist by (1) a facility  
17 licensed under the Health Care Facility Licensure Act or (2) a physician  
18 engaged in the practice of medicine and surgery in Nebraska, shall  
19 register with the Surgical Technologist Registry no later than one  
20 hundred eighty days after the commencement of the contract period or the  
21 date of employment or July 1, 2020, whichever is later.  
22 Sec. 8. (1) To be eligible to register as a surgical technologist,  
23 an individual shall:  
24 (a) Be at least nineteen years of age;  
25 (b) Be a high school graduate or be officially recognized by the  
26 State Department of Education as possessing the equivalent of a high  
27 school education; and  
1 (c) Be of good moral character.  
2 (2) An eligible individual shall:  
3 (a) File an application with the Department of Health and Human  
4 Services. The application shall include:  
5 (i) The applicant's name, address, date of birth, and social  
6 security number;  
7 (ii) Evidence of eligibility under subsection (1) of this section as  
8 determined necessary by the department;  
9 (iii) Documentation of any felony or misdemeanor conviction, along  
10 with the date of occurrence and the county and state in which the  
11 conviction occurred; and  
12 (iv) One of the following:  
13 (A) Documentation of certification as a surgical technologist by the  
14 State of Nebraska or a national certifying body approved by the board if  
15 the applicant is certified at the time of application;  
16 (B) Documentation of completion of an accredited program in surgical  
17 technology accredited by the Commission on Accreditation of Allied Health  
18 Education Programs or the Accrediting Bureau of Health Education Schools  
19 if the applicant is a graduate of such a program; or  
20 (C) Certification of the applicant's competency assessment completed  
21 by a licensed health care professional. The assessment shall include an  
22 assessment of the components listed in section 9 of this act; and  
23 (b) Pay the required nonrefundable fee as determined by the  
24 department.  
25 (3) An applicant who is a military spouse may apply for temporary  
26 registration as provided in section 38-129.01.  
27 Sec. 9. A registered surgical technologist may, under the authority

28 of a practitioner who is licensed under the Uniform Credentialing Act and  
29 consistent with any rules and regulations adopted pursuant to section 19  
30 of this act, and who directs surgical tasks and functions based on the  
31 surgical technologist's education, knowledge, training, and skill,

1 perform tasks and functions, including, but not limited to:

2 (1) Preparing the operating suite for the planned surgical  
3 procedure, including gathering and opening all equipment, supplies, and  
4 instrumentation, including, but not limited to, sterile dressings and  
5 instruments, scrubs, gowns, gloves, medications, and solutions;

6 (2) Creating and maintaining the sterile field through organization  
7 and preparation of instruments and supplies, including performance of  
8 necessary surgical counts;

9 (3) Gowning and gloving the surgeon and assistants;

10 (4) Providing visualization of the surgical site;

11 (5) Preparing and draping the patient for the surgical procedure;

12 (6) Positioning the patient;

13 (7) Passing instruments, supplies, and equipment to the surgeon and  
14 assistants during the procedure while anticipating the needs of the  
15 surgical team;

16 (8) Assisting the surgeon as directed in accordance with applicable  
17 law and rules and regulations;

18 (9) Assisting the circulating nurse as directed in the care of the  
19 surgical patient, including conducting appropriate counts prior to the  
20 surgical procedure and before the incision is closed;

21 (10) Maintaining sterile technique during the surgical procedure;

22 (11) Assisting other members of the surgical team with cleaning the  
23 operating suite, including decontamination of instruments, supplies, and  
24 equipment utilized during the surgical procedure; and

25 (12) Assisting in preparing the surgical suite for the next surgical  
26 procedure.

27 Sec. 10. (1) The Surgical Technologist Registry is created. The  
28 registry shall be used to register surgical technologists beginning  
29 January 1, 2020.

30 (2) A listing in the registry shall be valid for the term of  
31 registration as provided in section 38-142 subject to sections 13 and 14  
1 of this act.

2 Sec. 11. The board shall provide supervision and oversight of the  
3 Surgical Technologist Registry.

4 Sec. 12. The department shall establish and collect fees for  
5 registration under the Surgical Technologist Registration Act as provided  
6 in sections 38-151 to 38-157.

7 Sec. 13. (1) The department may deny or refuse renewal of  
8 registration or remove a registrant from the Surgical Technologist  
9 Registry for failure to meet the standards or for violation of the  
10 Surgical Technologist Registration Act or any rules and regulations  
11 adopted and promulgated pursuant to the act.

12 (2) If the department proposes to deny, refuse renewal of, or remove  
13 a registration, it shall send the applicant or registrant a notice  
14 setting forth the action to be taken and the reasons for the

15 determination. The denial, refusal to renew, or removal shall become  
16 final thirty days after mailing the notice unless the applicant or  
17 registrant gives written notice to the department of his or her desire  
18 for an informal conference or for a formal hearing.  
19 (3) If an informal conference is requested, the department shall  
20 assign a representative of the department to hold an informal conference  
21 with the applicant or registrant within fifteen working days after  
22 receipt of a request. Within seven working days after the conclusion of  
23 such conference, the representative shall affirm, modify, or dismiss the  
24 action. The representative shall state in writing the specific reasons  
25 for affirming, modifying, or dismissing the action and shall immediately  
26 transmit copies of the statement to the department and to the applicant  
27 or the registrant. If the representative affirms or modifies the action,  
28 such action shall become final unless the applicant or registrant, within  
29 ten working days after the statement of reasons is sent, requests in  
30 writing a formal hearing to contest the action.  
31 (4) Except as provided by subsection (3) of this section, an  
1 applicant or registrant who desires to contest an action or to further  
2 contest an affirmed or modified action shall do so in the manner provided  
3 by the Administrative Procedure Act for contested cases. The chief  
4 medical officer as designated in section 81-3115 shall be the  
5 decisionmaker in a contested case under this section. The petition for  
6 judicial review of any final decision regarding an alleged violation  
7 shall be set for hearing at the earliest possible date. The times for  
8 pleadings and hearings shall be set by the court with the object of  
9 securing a decision at the earliest possible time.  
10 (5) Notice under this section or delivery of the statement of  
11 reasons under subsection (3) of this section may be served by any method  
12 specified in section 25-505.01, or the department may permit substitute  
13 or constructive service as provided in section 25-517.02 when service  
14 cannot be made with reasonable diligence by any of the methods specified  
15 in section 25-505.01.  
16 Sec. 14. A person whose registration has been denied, refused  
17 renewal, or removed from the Surgical Technologist Registry may reapply  
18 for registration or apply for lifting the disciplinary sanction at any  
19 time after one year has elapsed since the date such registration was  
20 denied, refused renewal, or removed from the registry. The application  
21 shall be made in accordance with the Surgical Technologist Registration  
22 Act and any rules and regulations adopted and promulgated pursuant to the  
23 act.  
24 Sec. 15. (1) Any facility or person using the services of a  
25 surgical technologist that takes action adversely affecting a surgical  
26 technologist due to alleged incompetence shall report to the department,  
27 in the manner specified by the department by rule and regulation, any  
28 facts relating to such alleged incompetence known to such facility or  
29 person, including, but not limited to, the identity of the surgical  
30 technologist and the patient. The report shall be made within thirty days  
31 after the date of the action or event.  
1 (2) Any person or facility may report to the department any facts

2 known to such person or facility concerning any alleged incompetence of a  
3 surgical technologist.

4 (3) A report made to the department under this section shall be  
5 confidential. The facility or person making such report shall be immune  
6 from criminal or civil liability of any nature, whether direct or  
7 derivative, for filing a report with or for disclosure of documents,  
8 records, or other information to the department under this section. The  
9 reports and information shall be subject to the investigatory and  
10 enforcement provisions in the Surgical Technologist Registration Act.  
11 This subsection does not require production of records protected by the  
12 Health Care Quality Improvement Act or section 25-12,123 or patient  
13 safety work product under the Patient Safety Improvement Act except as  
14 otherwise provided in either of such acts or such section.

15 Sec. 16. Complaints, investigational records, reports, and  
16 investigational files of any kind of the department under the Surgical  
17 Technologist Registration Act shall not be public records, shall not be  
18 subject to subpoena or discovery, and shall be inadmissible as evidence  
19 in any legal proceeding of any kind or character except an informal  
20 conference or formal hearing before the department or a judicial appeal  
21 of such hearing. Such complaints, investigational records, reports, and  
22 investigational files shall be public records if made part of the record  
23 of a formal hearing before the department. No person, including, but not  
24 limited to, department employees, having access to such complaints,  
25 investigational records, reports, or investigational files, shall  
26 disclose such records or information except as required for investigation  
27 of the alleged violation or for purposes of a hearing before the  
28 department. Such information, files, and records may be disclosed to law  
29 enforcement agencies by the department and such disclosure shall not make  
30 the information, files, or records public records.

31 Sec. 17. The department may maintain an action for an injunction in  
1 the name of the state for violation of the Surgical Technologist  
2 Registration Act or any rules and regulations adopted and promulgated  
3 under the act.

4 Sec. 18. Surgical technologists are eligible to participate in the  
5 Licensee Assistance Program as prescribed by section 38-175.

6 Sec. 19. The department may adopt and promulgate rules and  
7 regulations as necessary to carry out the Surgical Technologist  
8 Registration Act, including, but not limited to, rules and regulations  
9 setting minimum standards for competencies listed in section 9 of this  
10 act and methods for competency assessment of surgical technologists.

11 Sec. 20. Section 38-2025, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 38-2025 The following classes of persons shall not be construed to  
14 be engaged in the unauthorized practice of medicine:

15 (1) Persons rendering gratuitous services in cases of emergency;

16 (2) Persons administering ordinary household remedies;

17 (3) The members of any church practicing its religious tenets,

18 except that they shall not prescribe or administer drugs or medicines,

19 perform surgical or physical operations, nor assume the title of or hold

20 themselves out to be physicians, and such members shall not be exempt  
21 from the quarantine laws of this state;

22 (4) Students of medicine who are studying in an accredited school or  
23 college of medicine and who gratuitously prescribe for and treat disease  
24 under the supervision of a licensed physician;

25 (5) Physicians who serve in the armed forces of the United States or  
26 the United States Public Health Service or who are employed by the United  
27 States Department of Veterans Affairs or other federal agencies, if their  
28 practice is limited to that service or employment;

29 (6) Physicians who are licensed in good standing to practice  
30 medicine under the laws of another state when incidentally called into  
31 this state or contacted via electronic or other medium for consultation  
1 with a physician licensed in this state. For purposes of this  
2 subdivision, consultation means evaluating the medical data of the  
3 patient as provided by the treating physician and rendering a  
4 recommendation to such treating physician as to the method of treatment  
5 or analysis of the data. The interpretation of a radiological image by a  
6 physician who specializes in radiology is not a consultation;

7 (7) Physicians who are licensed in good standing to practice  
8 medicine in another state but who, from such other state, order  
9 diagnostic or therapeutic services on an irregular or occasional basis,  
10 to be provided to an individual in this state, if such physicians do not  
11 maintain and are not furnished for regular use within this state any  
12 office or other place for the rendering of professional services or the  
13 receipt of calls;

14 (8) Physicians who are licensed in good standing to practice  
15 medicine in another state and who, on an irregular and occasional basis,  
16 are granted temporary hospital privileges to practice medicine and  
17 surgery at a hospital or other medical facility licensed in this state;

18 (9) Persons providing or instructing as to use of braces, prosthetic  
19 appliances, crutches, contact lenses, and other lenses and devices  
20 prescribed by a physician licensed to practice medicine while working  
21 under the direction of such physician;

22 (10) Dentists practicing their profession when licensed and  
23 practicing in accordance with the Dentistry Practice Act;

24 (11) Optometrists practicing their profession when licensed and  
25 practicing under and in accordance with the Optometry Practice Act;

26 (12) Osteopathic physicians practicing their profession if licensed  
27 and practicing under and in accordance with sections 38-2029 to 38-2033;

28 (13) Chiropractors practicing their profession if licensed and  
29 practicing under the Chiropractic Practice Act;

30 (14) Podiatrists practicing their profession when licensed to  
31 practice in this state and practicing under and in accordance with the  
1 Podiatry Practice Act;

2 (15) Psychologists practicing their profession when licensed to  
3 practice in this state and practicing under and in accordance with the  
4 Psychology Interjurisdictional Compact or the Psychology Practice Act;

5 (16) Advanced practice registered nurses practicing in their  
6 clinical specialty areas when licensed under the Advanced Practice

7 Registered Nurse Practice Act and practicing under and in accordance with  
8 their respective practice acts;  
9 (17) Surgical first assistants practicing in accordance with the  
10 Surgical First Assistant Practice Act;  
11 (18) Persons licensed or certified under the laws of this state to  
12 practice a limited field of the healing art, not specifically named in  
13 this section, when confining themselves strictly to the field for which  
14 they are licensed or certified, not assuming the title of physician,  
15 surgeon, or physician and surgeon, and not professing or holding  
16 themselves out as qualified to prescribe drugs in any form or to perform  
17 operative surgery;  
18 (19) Persons obtaining blood specimens while working under an order  
19 of or protocols and procedures approved by a physician, registered nurse,  
20 or other independent health care practitioner licensed to practice by the  
21 state if the scope of practice of that practitioner permits the  
22 practitioner to obtain blood specimens;  
23 (20) Physicians who are licensed in good standing to practice  
24 medicine under the laws of another state or jurisdiction who accompany an  
25 athletic team or organization into this state for an event from the state  
26 or jurisdiction of licensure. This exemption is limited to treatment  
27 provided to such athletic team or organization while present in Nebraska;  
28 ~~and~~  
29 (21) Surgical technologists practicing in accordance with the  
30 Surgical Technologist Registration Act; and  
31 (22) (24) Other trained persons employed by a licensed health care  
1 facility or health care service defined in the Health Care Facility  
2 Licensure Act or clinical laboratory certified pursuant to the federal  
3 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII  
4 or XIX of the federal Social Security Act to withdraw human blood for  
5 scientific or medical purposes.  
6 Any person who has held or applied for a license to practice  
7 medicine and surgery in this state, and such license or application has  
8 been denied or such license has been refused renewal or disciplined by  
9 order of limitation, suspension, or revocation, shall be ineligible for  
10 the exceptions described in subdivisions (5) through (8) of this section  
11 until such license or application is granted or such license is renewed  
12 or reinstated. Every act or practice falling within the practice of  
13 medicine and surgery as defined in section 38-2024 and not specially  
14 excepted in this section shall constitute the practice of medicine and  
15 surgery and may be performed in this state only by those licensed by law  
16 to practice medicine in Nebraska.  
17 Sec. 21. Original section 38-2025, Revised Statutes Cumulative  
18 Supplement, 2018, is repealed.

**LEGISLATIVE BILL 329.** Placed on General File with amendment.  
AM1183

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 68-1206, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 68-1206 (1) The Department of Health and Human Services shall  
6 administer the program of social services in this state. The department  
7 may contract with other social agencies for the purchase of social  
8 services at rates not to exceed those prevailing in the state or the cost  
9 at which the department could provide those services. The statutory  
10 maximum payments for the separate program of aid to dependent children  
11 shall apply only to public assistance grants and shall not apply to  
12 payments for social services. As part of the provision of social services  
13 authorized by section 68-1202, the department shall participate in the  
14 federal child care assistance program under 42 U.S.C. 618, as such  
15 section existed on January 1, 2013, and provide child care assistance to  
16 families with incomes up to one hundred twenty-five percent of the  
17 federal poverty level for FY2013-14 and one hundred thirty percent of the  
18 federal poverty level for FY2014-15 and each fiscal year thereafter.

19 (2) As part of the provision of social services authorized by this  
20 section and section 68-1202, the department shall participate in the  
21 federal Child Care Subsidy program. In determining ongoing eligibility  
22 for this program, ten percent of a household's gross earned income shall  
23 be disregarded after twelve continuous months on the program and at each  
24 subsequent redetermination. At redetermination of eligibility, if a  
25 family's income exceeds one hundred thirty percent of the federal poverty  
26 level, the family shall continue to receive transitional child care  
27 assistance for up to twenty-four consecutive months or until the family  
1 income exceeds ~~two hundred one hundred eighty five~~ percent of the federal  
2 poverty level. If a family's income falls to one hundred thirty percent  
3 of the federal poverty level or below, the twenty-four-month time limit  
4 in this subsection shall cease to apply until the family becomes eligible  
5 for transitional child care assistance. The amount of such child care  
6 assistance shall be based on a cost-shared plan between the recipient  
7 family and the state and shall be based on a sliding-scale methodology. A  
8 recipient family may be required to contribute a percentage of such  
9 family's gross income for child care that is no more than the cost-  
10 sharing rates in the transitional child care assistance program as of  
11 January 1, 2015, for those no longer eligible for cash assistance as  
12 provided in section 68-1724. Initial program eligibility standards shall  
13 not be impacted by the provisions of this subsection.

14 (3) In determining the rate or rates to be paid by the department  
15 for child care as defined in section 43-2605, the department shall adopt  
16 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
17 of the state applicable to each child care program category of provider  
18 as defined in section 71-1910 which may claim reimbursement for services  
19 provided by the federal Child Care Subsidy program, except that the  
20 department shall not pay a rate higher than that charged by an individual  
21 provider to that provider's private clients. The schedule may provide  
22 separate rates for care for infants, for children with special needs,  
23 including disabilities or technological dependence, or for other  
24 individual categories of children. The schedule may also provide tiered  
25 rates based upon a quality scale rating of step three or higher under the

26 Step Up to Quality Child Care Act. The schedule shall be effective on  
 27 October 1 of every year and shall be revised annually by the department.  
 28 Sec. 2. Original section 68-1206, Reissue Revised Statutes of  
 29 Nebraska, is repealed.

**LEGISLATIVE BILL 607.** Placed on General File with amendment.  
 AM1462

1 1. On page 7, lines 23 and 24, strike "engage in the performance of  
 2 body art or".  
 3 2. On page 17, line 13; page 19, lines 6 and 7, strike "or  
 4 registration".

(Signed) Sara Howard, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 227.** ER80, found on page 1165, was adopted.

Senator Lathrop withdrew his amendments, AM1330, AM1331, and  
 AM1332, found on pages 1177 and 1178.

Senator Lathrop offered the following amendment:  
 AM1485

(Amendments to AM1287)

1 1. Strike amendment 1 and insert the following new amendment:  
 2 1. Strike the original sections and insert the following new  
 3 sections:  
 4 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:  
 6 2-4403 (1) A farm or farm operation or a public grain warehouse or  
 7 public grain warehouse operation shall not be found to be a public or  
 8 private nuisance if the farm or farm operation or public grain warehouse  
 9 or public grain warehouse operation existed before a change in the land  
 10 use or occupancy of land in and about the locality of such farm or farm  
 11 operation or public grain warehouse or public grain warehouse operation  
 12 and before such change in land use or occupancy of land the farm or farm  
 13 operation or public grain warehouse or public grain warehouse operation  
 14 would not have been a nuisance.  
 15 (2) No suit shall be maintained against a farm or farm operation or  
 16 public grain warehouse or public grain warehouse operation for public or  
 17 private nuisance more than two years after the condition which is the  
 18 subject matter of the suit reaches a level of offense sufficient to  
 19 sustain a claim of nuisance.  
 20 (3) The limitation provided for in this section shall not apply to  
 21 any action brought to determine compliance with or to enforce a previous  
 22 order of a court related to the same claim of nuisance or to any claims  
 23 for additional damages or equitable relief available when a farm or farm  
 24 operation or public grain warehouse or public grain warehouse operation  
 25 fails to remediate a nuisance pursuant to such court order.

26 Sec. 2. Section 2-4404, Reissue Revised Statutes of Nebraska, is  
 1 amended to read:  
 2 2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404  
 3 shall not affect the application of state and federal statutes.  
 4 Sec. 3. Original sections 2-4403 and 2-4404, Reissue Revised  
 5 Statutes of Nebraska, are repealed.

The Lathrop amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 616.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 138.** ER86, found on page 1185, was adopted.

Senator Pansing Brooks offered the following amendment:  
 AM1469

(Amendments to E&R amendments, ER86)

1 1. On page 2, line 2, after "veterans" insert "Such web site shall  
 2 be implemented on a date designated by the Director of Veterans' Affairs  
 3 when sufficient cash funds have accumulated in the Veterans Employment  
 4 Program Fund to develop such web site, but no later than June 30, 2024".  
 5 2. On page 26, line 1, after "Nebraska" insert "including the  
 6 development and implementation of a web site as required by section 1 of  
 7 this act".

The Pansing Brooks amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 693.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 237.** ER88, found on page 1206, was adopted.

Senator Crawford offered her amendment, AM1476, found on page 1275.

**SPEAKER SCHEER PRESIDING**

The Crawford amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 237A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 496.** Senator Wayne offered his amendment, AM1430, found on page 1254.

The Wayne amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 300A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019; to provide an operative date; and to declare an emergency.

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

Senator Lathrop filed the following amendment to LB300:  
AM1500

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 24-201.01, Revised Statutes Cumulative  
3 Supplement, 2018, is amended to read:  
4 24-201.01 ~~On July 1, 2016, the salary of the Chief Justice and the~~  
5 ~~judges of the Supreme Court shall be one hundred seventy-one thousand~~  
6 ~~nine hundred seventy-four dollars and seventy-three cents. On July 1,~~  
7 ~~2017, the salary of the Chief Justice and the judges of the Supreme Court~~  
8 ~~shall be one hundred seventy-three thousand six hundred ninety-three~~  
9 ~~dollars and ninety-seven cents. On January 1, 2019, the salary of the~~  
10 ~~Chief Justice and the judges of the Supreme Court shall be one hundred~~  
11 ~~seventy-six thousand two hundred ninety-nine dollars and thirty-eight~~  
12 ~~cents. On July 1, 2019, the salary of the Chief Justice and the judges of~~  
13 ~~the Supreme Court shall be one hundred eighty-one thousand five hundred~~  
14 ~~eighty-eight dollars and thirty-six cents. On July 1, 2020, the salary of~~  
15 ~~the Chief Justice and the judges of the Supreme Court shall be one~~  
16 ~~hundred eighty-seven thousand thirty-six dollars and one cent.~~  
17 The Chief Justice and the judges of the Supreme Court shall hold no  
18 other public office of profit or trust during their terms of office nor  
19 accept any public appointment or employment under the authority of the  
20 government of the United States for which they receive compensation for  
21 their services. Such salaries shall be payable in equal monthly  
22 installments.

**ANNOUNCEMENT**

Senator Halloran announced the Agriculture Committee will hold an executive session Friday, April 26, 2019, at 9:00 a.m., in Room 2022.

**VISITOR(S)**

Visitors to the Chamber were students from Pierce Elementary School.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

**ADJOURNMENT**

At 4:32 p.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Friday, April 26, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SIXTH DAY - APRIL 26, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 26, 2019

**PRAYER**

The prayer was offered by Pastor Terry Krueger, St. Mark's Lutheran Church, Bloomfield.

**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 Brewer who was excused; and Senators Cavanaugh, Groene, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fifth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 25, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Baird Holm LLP  
People United for Privacy (Withdrawn 04/22/2019)  
Karl, Jamie  
Nebraska Chamber of Commerce & Industry (Withdrawn 04/18/2019)  
Lyons, Liz  
Children's Hospital & Medical Center  
Peetz & Company  
TradeWind Energy (Withdrawn 04/24/2019)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

**GENERAL FILE**

**LEGISLATIVE BILL 641A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 23.** With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018; to change legislative findings; to redefine terms; to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, M.	Lathrop	Quick
Arch	DeBoer	Hilgers	Lindstrom	Scheer
Blood	Dorn	Hilkemann	Linehan	Slama
Bolz	Erdman	Howard	Lowe	Stinner
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Moser	Wayne
Chambers	Halloran	Kolterman	Murman	Williams
Clements	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 3:

Brewer          Cavanaugh      Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB31 to Select File**

Senator Chambers moved to return LB31 to Select File for the following specific amendment:

FA52

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 31.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan relating to a transfer of management of Class V school employees retirement systems established under the Class V School Employees Retirement Act to the Public Employees Retirement Board as prescribed; to require a report; to create a fund; to provide duties for the Public Employees Retirement Board; to provide for reimbursement for expenses incurred in completing such work plan; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Halloran

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT FOLEY PRESIDING**

**LEGISLATIVE BILL 31A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Morfeld	Wayne
Brandt	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB180 to Select File**

Senator Chambers moved to return LB180 to Select File for the following specific amendment:

FA53

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 180.**

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Morfeld	Wayne
Brandt	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Linehan

Excused and not voting, 2:

Brewer Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB222 to Select File**

Senator Chambers moved to return LB222 to Select File for the following specific amendment:

FA54

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 222.**

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3104 and 77-3105, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to notice, reporting, the approval and certification of volunteer members who are eligible for a tax credit, and the claiming of the tax credit; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	Lowe	Vargas
Bolz	Erdman	Howard	McCollister	Walz
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer            Morfeld            Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB252 to Select File**

Senator Chambers moved to return LB252 to Select File for the following specific amendment:

FA55

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 252.**

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-823, Reissue Revised Statutes of Nebraska; to provide a condition relating to advertisements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lathrop	Quick
Blood	DeBoer	Hilgers	Lindstrom	Scheer
Bolz	Dorn	Hilkemann	Linehan	Slama
Bostelman	Erdman	Howard	Lowe	Stinner
Brandt	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Hunt	McDonnell	Walz
Cavanaugh	Gragert	Kolowski	Moser	Wayne
Chambers	Halloran	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 3:

Brewer          Morfeld          Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 23, 31, 31A, 180, 222, and 252.

**COMMITTEE REPORT(S)**

## Agriculture

**LEGISLATIVE BILL 157.** Placed on General File with amendment.

AM1484

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

2 sections:

3 Section 1. Section 81-2,165.01, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 81-2,165.01 Sections 81-2,165 to 81-2,180 and section 3 of this act

6 shall be known and may be cited as the Nebraska Apiary Act.

7 Sec. 2. Section 81-2,166, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 81-2,166 For purposes of the Nebraska Apiary Act, unless the context

10 otherwise requires:

11 (1) Abandoned apiary shall mean any apiary not regularly attended in

12 accordance with good beekeeping practices and which constitutes a

13 disease, parasite, or pest hazard to the beekeeping industry;

14 (2) Apiary shall mean any place where one or more colonies of bees

15 or nuclei of bees are located;

16 (3) Bee equipment shall mean hives, supers, frames, veils, gloves,

17 or any other apparatus, tool, machine, vehicle, or device used in the

18 handling, moving, or manipulating of bees, honey, wax, or hives,

19 including containers of honey or wax which may be used in any apiary or

20 in transporting bees and their products and apiary supplies;

21 (4) Beekeeping shall mean the moving, raising, and producing of

22 bees, beeswax, and honey which is an agricultural pursuit;

23 (5) Bees shall mean any stage of the common honeybee, *Apis mellifera*

24 L;

25 (6) Colony shall mean the aggregate of worker bees, drones, the

26 queen, and developing young bees living together as a family unit in a

27 hive or other dwelling;

1 (7) Commercial beekeeper means any person who owns, maintains, or

2 manages a beekeeping operation of two hundred or more colonies located

3 within one or more apiaries established within the state for any part of

4 a year;

5 (8) ~~(7)~~ Department shall mean the Department of Agriculture;

6 (9) ~~(8)~~ Director shall mean the Director of Agriculture or his or

7 her designated representative, employee, or authorized agent;

8 (10) ~~(9)~~ Disease shall mean American foulbrood, European foulbrood,

9 chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg,

10 larva, pupa, or adult stages of bees;

11 (11) ~~(10)~~ Exotic disease, parasite, or pest shall mean any disease,

12 parasite, or pest not known to be established in this state;  
13 ~~(12) (41)~~ Hive shall mean a frame hive, box hive, box, barrel, log  
14 gum, skep, or any other receptacle or container, natural or artificial,  
15 or any part thereof, which is used or employed as a domicile for bees;  
16 ~~(13) (42)~~ Nuclei shall mean a small mass of bees and combs of brood  
17 used in forming a new colony;  
18 ~~(14) (43)~~ Parasite shall mean any harmful organism living in or on  
19 bees, including, but not limited to, *Varroa jacobsoni*, *Acarapis woodi*,  
20 and *Tropilaelaps clareae*; and  
21 ~~(15) (44)~~ Pest shall mean any harmful subspecies of the honeybee  
22 *Apis mellifera*, including, but not limited to, *Apis mellifera scutellata*.  
23 Words used in the act shall be construed to import either the plural  
24 or singular, as the case demands.  
25 Sec. 3. (1) The department shall establish a process for commercial  
26 beekeepers to voluntarily register apiary locations within the state and  
27 shall maintain and make a registry of such apiary locations available on  
28 its web site and upon request. For purposes of this section, an apiary  
29 location shall be identified by legal description and shall be presumed  
30 to be the center of the quarter section in which the apiary is located. A  
31 commercial beekeeper may register apiary locations subject to the  
1 following restrictions:  
2 (a) No person may register more than five apiary locations;  
3 (b) An apiary location may only be registered by a person who is a  
4 commercial beekeeper and who establishes and maintains an apiary at such  
5 registered location;  
6 (c) If an apiary location is on property not owned by the person  
7 registering the location, a statement signed by the owner of the property  
8 where the registered location is located stating the landowner's  
9 concurrence with the registration of the apiary location shall be  
10 provided with the registration application;  
11 (d) No apiary location may be registered within a distance of two  
12 miles of a previously registered location unless such location (i) is  
13 registered by the person who placed the previously registered location on  
14 the registry or (ii) is on property owned by the person registering; and  
15 (e) No apiary location shall be registered unless the registration  
16 fee charged by the department pursuant to this section is provided with  
17 the registration application.  
18 (2) The department shall impose and collect apiary location  
19 registration fees and annual registration renewal fees sufficient to  
20 recover the department's costs of administering the voluntary  
21 registration process and to publish and provide registry information. All  
22 fees collected under this section shall be remitted to the State Apiary  
23 Cash Fund. Registry of apiary locations shall be accepted beginning on  
24 the effective date of this act and the initial period of registration  
25 shall begin on the date the department accepts an application for  
26 registration through the following March 31. Registrations may be renewed  
27 annually on or before April 1 of the year a registration period

28 terminates and each annual renewal period shall terminate on March 31 of  
 29 the subsequent year.  
 30 Sec. 4. Original sections 81-2,165.01 and 81-2,166, Reissue Revised  
 31 Statutes of Nebraska, are repealed.

(Signed) Steve Halloran, Chairperson

Education

**LEGISLATIVE BILL 544.** Placed on General File with amendment.  
 AM1450

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

3 Section 1. Sections 1 to 5 of this act shall be known and may be  
 4 cited as the Meadowlark Act.

5 Sec. 2. For purposes of the Meadowlark Act:

6 (1) Eligible educational institution has the same meaning as in  
 7 section 85-1802;

8 (2) Nebraska educational savings plan trust has the same meaning as  
 9 in section 85-1802;

10 (3) Qualified higher education expenses has the same meaning as in  
 11 section 85-1802;

12 (4) Qualified individual means an individual born on or after  
 13 January 1, 2020, who is a resident of this state at the time of birth;

14 and

15 (5) Qualified private contribution means a contribution from an  
 16 individual or private entity which is made for the purpose of providing  
 17 an ongoing source of funding for the Meadowlark Program established in  
 18 section 4 of this act.

19 Sec. 3. (1) There is hereby established in the state treasury a  
 20 trust fund to be known as the Meadowlark Endowment Fund. The fund shall  
 21 be administered by the State Treasurer and shall consist of qualified  
 22 private contributions and any amounts appropriated or transferred to the  
 23 fund by the Legislature. No General Funds shall be transferred to the  
 24 Meadowlark Endowment Fund. Any money in the fund available for investment  
 25 shall be invested by the state investment officer pursuant to the  
 26 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
 27 Act. No portion of the principal of the fund shall be expended for any  
 1 purpose except investment pursuant to this subsection.

2 (2) The State Treasurer shall accept qualified private contributions  
 3 and shall credit all such contributions received to the Meadowlark  
 4 Endowment Fund. The State Treasurer shall determine the total amount of  
 5 qualified private contributions received under this subsection and shall  
 6 transfer an equal amount from the College Savings Plan Expense Fund or  
 7 the Unclaimed Property Escheat Trust Fund, as determined by the State  
 8 Treasurer, to the Meadowlark Endowment Fund.

9 Sec. 4. (1) The Meadowlark Program is created. The program shall be  
 10 administered by the State Treasurer. The purpose of the program is to  
 11 promote access to postsecondary educational opportunities by providing

12 funds to qualified individuals to help pay the qualified higher education  
13 expenses associated with attendance at an eligible educational  
14 institution located in this state.  
15 (2) Any qualified individual shall be eligible to participate in the  
16 Meadowlark Program. No later than March 1 of each year, the Department of  
17 Health and Human Services shall transmit information to the State  
18 Treasurer which is necessary to administer the program and to establish  
19 whether the children born in this state in the previous calendar year are  
20 qualified individuals. Such information shall include, but not be limited  
21 to, the full name and residential address of each child's parent or legal  
22 guardian and the birth date of each child. Costs associated with the  
23 transfer of information by the Department of Health and Human Services  
24 shall be paid from the College Savings Plan Expense Fund.  
25 (3) Following receipt of the information described in subsection (2)  
26 of this section, the State Treasurer shall send a notification explaining  
27 the Meadowlark Program to the parent or legal guardian of each qualified  
28 individual. The State Treasurer shall provide such parent or legal  
29 guardian with the opportunity to exclude his or her child from the  
30 program. Any child who is not excluded shall be deemed to be enrolled in  
31 the program. Upon enrollment into the program, the child shall have an  
1 account opened for him or her under the Nebraska educational savings plan  
2 trust.  
3 (4) On or before April 1 of each year, the State Treasurer shall  
4 determine (a) the number of accounts opened under the Meadowlark Program  
5 in the previous calendar year and (b) the amount of investment income  
6 generated by the Meadowlark Endowment Fund in the previous calendar year.  
7 The State Treasurer shall evenly distribute the investment income from  
8 the previous calendar year to the accounts opened in the previous  
9 calendar year.  
10 (5) The Nebraska educational savings plan trust shall own all  
11 accounts opened under the Meadowlark Program. Neither the qualified  
12 individual nor his or her parent or legal guardian shall have any  
13 ownership rights or interest in, title to, or power or control over such  
14 an account.  
15 (6) Any disbursement from an account opened under the Meadowlark  
16 Program shall be made before the qualified individual reaches thirty  
17 years of age. Once a qualified individual reaches thirty years of age,  
18 any unused funds in his or her account shall be transferred to the  
19 Meadowlark Endowment Fund.  
20 (7) Funds disbursed from an account opened under the Meadowlark  
21 Program shall only be used to pay the qualified higher education expenses  
22 associated with attending an eligible educational institution located in  
23 this state.  
24 (8) The State Treasurer shall take measures to ensure the security  
25 and confidentiality of the information received under subsection (2) of  
26 this section.  
27 Sec. 5. The State Treasurer may adopt and promulgate rules and  
28 regulations to carry out the Meadowlark Act.  
29 Sec. 6. Section 85-1807, Reissue Revised Statutes of Nebraska, is

30 amended to read:

31 85-1807 (1) The State Treasurer shall deposit money received by the  
1 Nebraska educational savings plan trust into three funds: The College  
2 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the  
3 College Savings Plan Administrative Fund. The State Treasurer shall  
4 deposit money received by the trust into the appropriate fund. The State  
5 Treasurer and Accounting Administrator of the Department of  
6 Administrative Services shall determine the state fund types necessary to  
7 comply with section 529 of the Internal Revenue Code and state policy.

8 The money in the funds shall be invested by the state investment officer  
9 pursuant to policies established by the Nebraska Investment Council. The  
10 program fund, the expense fund, and the administrative fund shall be  
11 separately administered. The Nebraska educational savings plan trust  
12 shall be operated with no General Fund appropriations.

13 (2) The College Savings Plan Program Fund is created. All money paid  
14 by participants in connection with participation agreements and all  
15 investment income earned on such money shall be deposited as received  
16 into separate accounts within the program fund. Contributions to the  
17 trust made by participants may only be made in the form of cash. All  
18 funds generated in connection with participation agreements shall be  
19 deposited into the appropriate accounts within the program fund. A  
20 participant or beneficiary shall not provide investment direction  
21 regarding program contributions or earnings held by the trust. Money  
22 accrued by participants in the program fund may be used for payments to  
23 any eligible educational institution. Any money in the program fund  
24 available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
26 State Funds Investment Act.

27 (3) The College Savings Plan Administrative Fund is created. Money  
28 from the trust transferred from the expense fund to the administrative  
29 fund in an amount authorized by an appropriation from the Legislature  
30 shall be utilized to pay for the costs of administering, operating, and  
31 maintaining the trust, to the extent permitted by section 529 of the  
1 Internal Revenue Code. The administrative fund shall not be credited with  
2 any money other than money transferred from the expense fund in an amount  
3 authorized by an appropriation by the Legislature or any interest income  
4 earned on the balances held in the administrative fund. Any money in the  
5 administrative fund available for investment shall be invested by the  
6 state investment officer pursuant to the Nebraska Capital Expansion Act  
7 and the Nebraska State Funds Investment Act.

8 ~~(4)(a) (4)~~ The College Savings Plan Expense Fund is created. The  
9 expense fund ~~shall be used to pay costs associated with the Nebraska~~  
10 ~~educational savings plan trust and~~ shall be funded with fees assessed to  
11 the program fund. The State Treasurer shall use the expense fund:

12 (i) To pay costs associated with the Nebraska educational savings  
13 plan trust;

14 (ii) For the purposes described in the Meadowlark Act; and

15 (iii) To transfer from the expense fund to the State Investment  
16 Officer's Cash Fund an amount equal to the pro rata share of the budget

17 appropriated to the Nebraska Investment Council as permitted in section  
18 72-1249.02, to cover reasonable expenses incurred for investment  
19 management of the Nebraska educational savings plan trust. Annually and  
20 prior to such transfer to the State Investment Officer's Cash Fund, the  
21 State Treasurer shall report to the budget division of the Department of  
22 Administrative Services and to the Legislative Fiscal Analyst the amounts  
23 transferred during the previous fiscal year. The report submitted to the  
24 Legislative Fiscal Analyst shall be submitted electronically.  
25 (b) Transfers may be made from the expense fund to the General Fund  
26 at the direction of the Legislature. Any money in the expense fund  
27 available for investment shall be invested by the state investment  
28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
29 State Funds Investment Act.  
30 Sec. 7. Original section 85-1807, Reissue Revised Statutes of  
31 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

Judiciary

**LEGISLATIVE BILL 106.** Placed on General File.

**LEGISLATIVE BILL 427.** Placed on General File.

**LEGISLATIVE BILL 219.** Placed on General File with amendment.

AM1472

- 1 1. Strike original section 3.
- 2 2. On page 5, strike beginning with "On" in line 18 through "a" in  
3 line 21; and in line 21 reinstate the stricken "A".
- 4 3. Renumber the remaining section and correct the repealer  
5 accordingly.

**LEGISLATIVE BILL 479.** Placed on General File with amendment.

AM1473

- 1 1. On page 7, line 6; and page 8, line 5, after "lawful" insert  
2 "pat-down or".

**LEGISLATIVE BILL 533.** Placed on General File with amendment.

AM414

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 42-106, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 42-106 When an application is made for a license to the county  
5 clerk, he or she shall, upon the granting of such license, state in the  
6 license the information contained in the application as provided in  
7 section 42-104. The license shall, prior to the issuing thereof, be  
8 entered of record in the office of the county clerk in a suitable book to  
9 be provided for that purpose.  
10 The forms for the application, license, and certificate of marriage  
11 shall be provided by the Department of Health and Human Services at

12 actual cost as determined by the department. The forms for the  
 13 application, license, and certificate of marriage shall refer to the  
 14 parties using the designations Applicant 1 and Applicant 2.  
 15 2. Renumber the remaining sections and correct the repealer  
 16 accordingly.

**LEGISLATIVE BILL 690.** Placed on General File with amendment.  
 AM1488 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

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

Senator Wayne filed the following amendment to LB149:  
 AM1228

(Amendments to Standing Committee amendments, AM901)

1 1. Strike amendment 1 and insert the following new amendment:  
 2 1. Strike the original sections and insert the following new  
 3 sections:  
 4 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:  
 6 28-1418 Whoever, being a minor ~~under the age of eighteen years,~~  
 7 shall smoke cigarettes or cigars, use electronic nicotine delivery  
 8 systems ~~vapor products~~ or alternative nicotine products, or use tobacco  
 9 in any form whatever, in this state, shall be guilty of a Class V  
 10 misdemeanor. Any minor charged with a violation of this section may be  
 11 free from prosecution if he or she furnishes evidence for the conviction  
 12 of the person or persons selling or giving him or her the cigarettes,  
 13 cigars, electronic nicotine delivery systems ~~vapor products~~, alternative  
 14 nicotine products, or tobacco.  
 15 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:  
 17 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:  
 18 (1) Alternative nicotine product means any noncombustible product  
 19 containing nicotine that is intended for human consumption, whether  
 20 chewed, absorbed, dissolved, or ingested by any other means. Alternative  
 21 nicotine product does not include any electronic nicotine delivery system  
 22 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product  
 23 regulated as a drug or device by the United States Food and Drug  
 24 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and  
 25 Cosmetic Act;  
 26 (2) Cigarette means any product that contains nicotine, is intended  
 1 to be burned or heated under ordinary conditions of use, and consists of  
 2 or contains (a) any roll of tobacco wrapped in paper or in any substance  
 3 not containing tobacco, (b) tobacco, in any form, that is functional in  
 4 the product which, because of its appearance, the type of tobacco used in  
 5 the filler, or its packaging and labeling, is likely to be offered to, or  
 6 purchased by, consumers as a cigarette, or (c) any roll of tobacco  
 7 wrapped in any substance containing tobacco which, because of its

8 appearance, the type of tobacco used in the filler, or its packaging and  
 9 labeling, is likely to be offered to, or purchased by, consumers as a  
 10 cigarette described in subdivision (2)(a) of this section:

11 (3)(a) Electronic nicotine delivery system means any product or  
 12 device containing nicotine, tobacco, or tobacco derivatives that employs  
 13 a heating element, power source, electronic circuit, or other electronic,  
 14 chemical, or mechanical means, regardless of shape or size, to simulate  
 15 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
 16 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
 17 product or device.

18 (b) Electronic nicotine delivery system includes, but is not limited  
 19 to, the following:

20 (i) Any substance containing nicotine, tobacco, or tobacco  
 21 derivatives, whether sold separately or sold in combination with a  
 22 product or device that is intended to deliver to a person nicotine,  
 23 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
 24 form;

25 (ii) Any product or device marketed, manufactured, distributed, or  
 26 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
 27 electronic pipe, electronic hookah, or similar products, names,  
 28 descriptors, or devices; and

29 (iii) Any component, part, or accessory of such a product or device  
 30 that is used during operation of the product or device when sold in  
 31 combination with any substance containing nicotine, tobacco, or tobacco  
 1 derivatives.

2 (c) Electronic nicotine delivery system does not include the  
 3 following:

4 (i) An alternative nicotine product, cigarette, cigar, or other  
 5 tobacco product, or any product regulated as a drug or device by the  
 6 United States Food and Drug Administration under Chapter V of the Federal  
 7 Food, Drug, and Cosmetic Act; or

8 (ii) Any component, part, or accessory of such a product or device  
 9 that is used during operation of the product or device when not sold in  
 10 combination with any substance containing nicotine, tobacco, or tobacco  
 11 derivatives;

12 (4) Minor means any person under nineteen years of age, except that  
 13 any person who is at least eighteen years of age on January 1, 2020,  
 14 shall not be considered a minor;

15 (5) ~~(2)~~ Self-service display means a retail display that contains a  
 16 tobacco product, a tobacco-derived product, an electronic nicotine  
 17 delivery system ~~a vapor product~~, or an alternative nicotine product and  
 18 is located in an area openly accessible to a retailer's customers and  
 19 from which such customers can readily access the product without the  
 20 assistance of a salesperson. Self-service display does not include a  
 21 display case that holds tobacco products, electronic nicotine delivery  
 22 systems ~~vapor products~~, or alternative nicotine products behind locked  
 23 doors; and

24 (6) ~~(3)~~ Tobacco specialty store means a retail store that (a)  
 25 derives at least seventy-five percent of its revenue from tobacco

26 products, tobacco-derived products, electronic nicotine delivery systems  
27 ~~vapor products~~, or alternative nicotine products and (b) does not permit  
28 minors ~~under the age of eighteen years~~ to enter the premises unless  
29 accompanied by a parent or legal guardian; ~~and~~  
30 (4) ~~Vapor product means any noncombustible product containing~~  
31 ~~nicotine that employs a heating element, power source, electronic~~  
1 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~  
2 ~~of shape or size, that can be used to produce vapor from nicotine in a~~  
3 ~~solution or other form. Vapor product includes any electronic cigarette,~~  
4 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~  
5 ~~product or device and any vapor cartridge or other container of nicotine~~  
6 ~~in a solution or other form that is intended to be used with or in an~~  
7 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~  
8 ~~pipe, or similar product or device. Vapor product does not include an~~  
9 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~  
10 ~~or any product regulated as a drug or device by the United States Food~~  
11 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~  
12 ~~Cosmetic Act.~~

13 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-1419 Whoever shall sell, give, or furnish, in any way, any  
16 tobacco in any form whatever, or any cigarettes, cigarette paper,  
17 electronic nicotine delivery systems ~~vapor products~~, or alternative  
18 nicotine products, to any minor ~~under eighteen years of age~~, is guilty of  
19 a Class III misdemeanor for each offense.

20 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 28-1420 It shall be unlawful for any person, partnership, limited  
23 liability company, or corporation to sell, keep for sale, or give away in  
24 course of trade, any cigars, tobacco, electronic nicotine delivery  
25 systems, cigarettes, or cigarette material to anyone without first  
26 obtaining a license as provided in sections 28-1421 and 28-1422. It shall  
27 also be unlawful for any wholesaler to sell or deliver any cigars,  
28 tobacco, electronic nicotine delivery systems, cigarettes, or cigarette  
29 material to any person, partnership, limited liability company, or  
30 corporation who, at the time of such sale or delivery, is not the  
31 recipient of a valid tobacco license for the current year to retail the  
1 same as provided in such sections. It shall also be unlawful for any  
2 person, partnership, limited liability company, or corporation to  
3 purchase or receive, for purposes of resale, any cigars, tobacco,  
4 electronic nicotine delivery systems, cigarettes, or cigarette material  
5 if such person, partnership, limited liability company, or corporation is  
6 not the recipient of a valid tobacco license to retail such tobacco  
7 products at the time the same are purchased or received. Whoever shall be  
8 found guilty of violating this section shall be guilty of a Class III  
9 misdemeanor for each offense.

10 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 28-1421 Licenses for the sale of cigars, tobacco, electronic

13 nicotine delivery systems, cigarettes, and cigarette material to persons  
14 of legal age to purchase such products over the age of eighteen years  
15 shall be issued to individuals, partnerships, limited liability  
16 companies, and corporations by the clerk or finance director of any city  
17 or village and by the county clerk of any county upon application duly  
18 made as provided in section 28-1422. The sale of cigarettes or cigarette  
19 materials that contain perfumes or drugs in any form is prohibited and is  
20 not licensed by the provisions of this section. Only cigarettes and  
21 cigarette material containing pure white paper and pure tobacco shall be  
22 licensed.

23 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 28-1423 The term for which such license shall run shall be from the  
26 date of filing such application and paying such license fee to and  
27 including December 31 of the calendar year in which application for such  
28 license is made, and the license fee for any person, partnership, limited  
29 liability company, or corporation selling at retail shall be twenty-five  
30 dollars in cities of the metropolitan class, fifteen dollars in cities of  
31 the primary and first classes, and ten dollars in cities of all other  
1 classes and in towns and villages and in locations outside of the limits  
2 of cities, towns, and villages. Any person, partnership, limited  
3 liability company, or corporation selling annually in the aggregate more  
4 than one hundred fifty thousand cigars, packages of cigarettes,  
5 electronic nicotine delivery systems, and packages of tobacco in any  
6 form, at wholesale, shall pay a license fee of one hundred dollars, and  
7 if such combined annual sales amount to less than one hundred fifty  
8 thousand cigars, packages of cigarettes, electronic nicotine delivery  
9 systems, and packages of tobacco, the annual license fee shall be fifteen  
10 dollars. No wholesaler's license shall be issued in any year on a less  
11 basis than one hundred dollars per annum unless the applicant for the  
12 same shall file with such application a statement duly sworn to by  
13 himself or herself, or if applicant is a partnership, by a member of the  
14 firm, or if a limited liability company, by a member or manager of the  
15 company, or if a corporation, by an officer or manager thereof, that in  
16 the past such wholesaler's combined sales of cigars, packages of  
17 cigarettes, electronic nicotine delivery systems, and packages of tobacco  
18 in every form have not exceeded in the aggregate one hundred fifty  
19 thousand annually, and that such sales will not exceed such aggregate  
20 amount for the current year for which the license is to issue. Any person  
21 swearing falsely in such affidavit shall be guilty of perjury and upon  
22 conviction thereof shall be punished as provided by section 28-915 and  
23 such wholesaler's license shall be revoked until the full license fee of  
24 one hundred dollars is paid. If application for license is made after  
25 July 1 of any calendar year, the fee shall be one-half of the fee  
26 provided in this section.

27 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 28-1424 The license, provided for in sections 28-1421 and 28-1422  
30 shall, when issued, ~~shall~~ authorize the sale of cigars, tobacco,

31 electronic nicotine delivery systems, cigarettes, and cigarette material  
 1 by the licensee and employees, to persons of legal age to purchase such  
 2 products over the age of eighteen years, at the place of business  
 3 described in such license for the term therein authorized, unless the  
 4 license is same be forfeited as provided in section 28-1425.

5 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 28-1425 Any licensee who shall sell, give, or furnish in any way to  
 8 any minor person under the age of eighteen years, or who shall willingly  
 9 allow to be taken from his or her place of business by any minor person  
 10 under the age of eighteen years, any cigars, tobacco, cigarettes,  
 11 cigarette material, electronic nicotine delivery systems ~~vapor products~~,  
 12 or alternative nicotine products is guilty of a Class III misdemeanor.  
 13 Any officer, director, or manager having charge or control, either  
 14 separately or jointly with others, of the business of any corporation  
 15 which violates sections ~~28-1418.01~~, 28-1420 to 28-1429 or section, ~~and~~  
 16 28-1429.03, if he or she has knowledge of such violation, shall be  
 17 subject to the penalties provided in this section. In addition to the  
 18 penalties provided in this section, such licensee shall be subject to the  
 19 additional penalty of a revocation and forfeiture of his, her, their, or  
 20 its license, at the discretion of the court before whom the complaint for  
 21 violation of such sections may be heard. If such license is revoked and  
 22 forfeited, all rights under such license shall at once cease and  
 23 terminate.

24 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is  
 25 amended to read:

26 28-1427 Any minor person under the age of eighteen years who shall  
 27 obtain cigars, tobacco, cigarettes, cigarette material, electronic  
 28 nicotine delivery systems ~~vapor products~~, or alternative nicotine  
 29 products from a licensee by representing that he or she is not a minor of  
 30 the age of eighteen years or over is guilty of a Class V misdemeanor.

31 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,  
 1 is amended to read:

2 28-1429.01 The Legislature finds that the incumbent health risks  
 3 associated with using smoking tobacco products have been scientifically  
 4 proven. The Legislature further finds that the growing number of minors  
 5 who start using tobacco products ~~smoking~~ is staggering, and even more  
 6 abhorrent are the ages at which such use begins ~~children begin this~~  
 7 ~~deadly habit~~. The Legislature has established an age restriction on the  
 8 use of tobacco products by minors. To ensure that the use of tobacco  
 9 products among minors is discouraged to the maximum extent possible, it  
 10 is the intent of the Legislature to ban the use of vending machines and  
 11 similar devices to dispense tobacco products in facilities, buildings, or  
 12 areas which are open to the general public within Nebraska.

13 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,  
 14 is amended to read:

15 28-1429.02 (1) Except as provided in subsection (2) of this section,  
 16 it shall be unlawful to dispense cigarettes, other tobacco products,  
 17 electronic nicotine delivery systems ~~vapor products~~, or alternative

18 nicotine products from a vending machine or similar device. Any person  
19 violating this section is guilty of a Class III misdemeanor. In addition,  
20 upon conviction for a second offense, the court shall order a six-month  
21 suspension of the offender's license to sell tobacco, if any, and, upon  
22 conviction for a third or subsequent offense, the court shall order the  
23 permanent revocation of the offender's license to sell tobacco, if any.

24 (2) Cigarettes, other tobacco products, electronic nicotine delivery  
25 systems ~~vapor products~~, or alternative nicotine products may be dispensed  
26 from a vending machine or similar device when such machine or device is  
27 located in an area, office, business, plant, or factory which is not open  
28 to the general public or on the licensed premises of any establishment  
29 having a license issued under the Nebraska Liquor Control Act for the  
30 sale of alcoholic liquor for consumption on the premises when such  
31 machine or device is located in the same room in which the alcoholic  
1 liquor is dispensed.

2 (3) Nothing in this section shall be construed to restrict or  
3 prohibit a governing body of a city or village from establishing and  
4 enforcing ordinances at least as stringent as or more stringent than the  
5 provisions of this section.

6 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

8 28-1429.03 (1) Except as provided in subsection (2) of this section  
9 and section 28-1429.02, it shall be unlawful to sell or distribute  
10 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,  
11 alternative nicotine products, or tobacco in any form whatever through a  
12 self-service display. Any person violating this section is guilty of a  
13 Class III misdemeanor. In addition, upon conviction for a second or  
14 subsequent offense within a twelve-month period, the court shall order a  
15 six-month suspension of the license issued under section 28-1421.

16 (2) Cigarettes, cigars, electronic nicotine delivery systems ~~vapor~~  
17 ~~products~~, alternative nicotine products, or tobacco in any form whatever  
18 may be sold or distributed in a self-service display that is located in a  
19 tobacco specialty store or cigar shop as defined in section 53-103.08.

20 Sec. 13. This act becomes operative on January 1, 2020.

21 Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,  
22 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and  
23 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Groene filed the following amendment to LB675:

AM1499

(Amendments to Standing Committee amendments, AM1308)

1 1. On page 1, line 12, strike "and fifteen-hundredths".

Senator Chambers filed the following amendment to LB304:

FA56

Strike the enacting clause.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 94.** Introduced by Wishart, 27; Hilgers, 21; La Grone, 49; Lindstrom, 18; Morfeld, 46; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding regulatory sandboxes. The issues addressed by this interim study shall include, but not be limited to:

- (1) How regulatory sandbox programs work;
- (2) Efforts in other states and countries to establish regulatory sandbox programs in an effort to encourage innovation, entrepreneurship, and economic development; and
- (3) Federal efforts to establish programs where regulations are mitigated and innovation is encouraged.

The examination of how regulatory sandbox programs work shall be conducted in conjunction with the office of the Attorney General and the Department of Banking and Finance.

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

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

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

Referred to the Executive Board.

**VISITOR(S)**

Visitors to the Chamber were students from Sandy Creek Elementary School, Fairfield; and students from Hawthorne Elementary School, Hastings.

**ADJOURNMENT**

At 12:13 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Monday, April 29, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SEVENTH DAY - APRIL 29, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 29, 2019

**PRAYER**

The prayer was offered by Pastor Russell Lambert, Immanuel Lutheran Church, Coleridge.

**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 Senator M. Hansen who was excused; and Senators Cavanaugh, DeBoer, Halloran, Lindstrom, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 26, 2019, at 12:15 p.m. were the following: LBs 23e, 31e, 31Ae, 180, 222, and 252.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 95.** Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the prevalence and economic costs of methamphetamine use in the state and determine ways to assist local communities in combating this growing problem.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 96.** Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the long-term public power generation and transmission options in the state.

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

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

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

Referred to the Executive Board.

**WITHDRAW - Amendment to LB304**

Senator Chambers withdrew his amendment, FA56, found on page 1319, to LB304.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator McCollister.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 304.**

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239 and 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt certain operations from the definition of a food establishment as prescribed; to require registration of certain operations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Arch	Clements	Hansen, B.	La Grone	Pansing Brooks
Blood	Crawford	Hilgers	Linehan	Quick
Bolz	Dorn	Hilkemann	Lowe	Scheer
Bostelman	Erdman	Howard	McCollister	Slama
Brandt	Friesen	Hughes	McDonnell	Stinner
Brewer	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Williams
Chambers	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Albrecht      Lathrop

Excused and not voting, 7:

Cavanaugh	Halloran	Lindstrom	Wayne
DeBoer	Hansen, M.	Vargas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 428.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the computation of wages; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Clements	Hilgers	Linehan	Scheer
Arch	Crawford	Hilkemann	Lowe	Slama
Blood	Dorn	Howard	McCollister	Stinner
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Williams
Brandt	Geist	Kolowski	Moser	Wishart
Brewer	Gragert	Kolterman	Murman	
Briese	Groene	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 7:

Cavanaugh	Halloran	Lindstrom	Wayne
DeBoer	Hansen, M.	Vargas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 445.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1208, Reissue Revised Statutes of Nebraska; to require annual reports relating to occupation taxes as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Clements	Hilgers	Linehan	Scheer
Arch	Crawford	Hilkemann	Lowe	Slama
Blood	Dorn	Howard	McCollister	Stinner
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Williams
Brandt	Geist	Kolowski	Moser	Wishart
Brewer	Gragert	Kolterman	Murman	
Briese	Groene	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 7:

Cavanaugh	Halloran	Lindstrom	Wayne
DeBoer	Hansen, M.	Vargas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB556 with 33 ayes, 4 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 556.** With Emergency Clause.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and sections 28-473,

28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to transfer provisions to the Uniform Credentialing Act; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to change provisions relating to the prescription drug monitoring program; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Albrecht	Chambers	Groene	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hilgers	Linehan	Scheer
Bolz	DeBoer	Hilkemann	Lowe	Slama
Bostelman	Dorn	Howard	McCollister	Stinner
Brandt	Erdman	Hughes	McDonnell	Walz
Brewer	Friesen	Hunt	Morfeld	Williams
Briese	Geist	Kolowski	Moser	Wishart
Cavanaugh	Gragert	Kolterman	Murman	

Voting in the negative, 0.

Excused and not voting, 5:

Halloran	Hansen, M.	Lindstrom	Vargas	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **MOTION(S) - Return LB556A to Select File**

Senator Hunt moved to return LB556A to Select File for the following specific amendment:

FA57

Strike the enacting clause.

Senator Hunt withdrew her motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 556A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 556, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	DeBoer	Hilkemann	Lowe	Slama
Bolz	Dorn	Howard	McCollister	Stinner
Bostelman	Erdman	Hughes	McDonnell	Vargas
Brandt	Friesen	Hunt	Morfeld	Walz
Brewer	Geist	Kolowski	Moser	Williams
Cavanaugh	Gragert	Kolterman	Murman	Wishart
Chambers	Groene	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 4:

Halloran      Hansen, M.      Lindstrom      Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **MOTION(S) - Return LB638 to Select File**

Senator Cavanaugh moved to return LB638 to Select File for the following specific amendment:

FA58

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 638.**

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions

relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a qualified limit for such transfers; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Groene	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hilgers	Linehan	Scheer
Bolz	DeBoer	Hilkemann	Lowe	Slama
Bostelman	Dorn	Howard	McCollister	Stinner
Brandt	Erdman	Hughes	McDonnell	Vargas
Brewer	Friesen	Hunt	Morfeld	Walz
Briese	Geist	Kolowski	Moser	Williams
Cavanaugh	Gragert	Kolterman	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Halloran	Hansen, M.	Lindstrom	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 663.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-118, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska adjusted basis; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Groene	Lathrop	Quick
Arch	Clements	Hansen, B.	Linehan	Scheer
Blood	Crawford	Hilkemann	Lowe	Slama
Bolz	DeBoer	Howard	McCollister	Stinner
Bostelman	Dorn	Hughes	McDonnell	Vargas
Brandt	Erdman	Hunt	Morfeld	Walz
Brewer	Friesen	Kolowski	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh	Gragert	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Hilgers

Excused and not voting, 4:

Halloran      Hansen, M.      Lindstrom      Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB698 to Select File**

Senator Chambers moved to return LB698 to Select File for the following specific amendment:

FA60

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 698.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to change load provisions and penalties for commercial motor vehicles and commercial trailers; to define terms; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Hansen, B.	Lathrop	Quick
Arch	Clements	Hilgers	Linehan	Scheer
Blood	Crawford	Hilkemann	Lowe	Slama
Bolz	DeBoer	Howard	McCollister	Stinner
Bostelman	Dorn	Hughes	McDonnell	Vargas
Brandt	Erdman	Hunt	Morfeld	Walz
Brewer	Friesen	Kolowski	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh	Gragert	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 304, 428, 445, 556, 556A, 638, 663, and 698.

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

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 89 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86 and 89.

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

Enrollment and Review

**LEGISLATIVE BILL 600.** Placed on Select File with amendment.  
ER92

1 1. On page 1, strike beginning with "the" in line 1 through line 4  
2 and insert "government; to amend sections 43-4201, 43-4202, 43-4204,  
3 43-4206, 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of  
4 Nebraska, and sections 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and  
5 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change and  
6 eliminate legislative findings, declarations, and intent relating to the  
7 Nebraska Children's Commission; to provide, change, and eliminate  
8 provisions relating to the administration, membership, and duties of the  
9 commission; to eliminate a termination date; to state intent regarding  
10 funding; to provide, change, and eliminate duties of the Department of  
11 Health and Human Services and the Office of Probation Administration  
12 related to the commission; to change and eliminate reporting  
13 requirements; to eliminate certain duties of the Bridge to Independence  
14 Advisory Committee; to eliminate obsolete provisions; to change  
15 provisions relating to the authority of the deputy public counsel for

16 institutions; to eliminate provisions relating to legislative findings  
17 and intent regarding foster care; to harmonize provisions; to provide an  
18 operative date; to repeal the original sections; to outright repeal  
19 sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and  
20 43-4214, Reissue Revised Statutes of Nebraska; and to declare an  
21 emergency."

**LEGISLATIVE BILL 460.** Placed on Select File with amendment.  
ER91

1 1. On page 1, strike beginning with "child" in line 1 through line 8  
2 and insert "children and families; to amend sections 68-1206, 68-1724,  
3 71-1912, and 71-1924, Reissue Revised Statutes of Nebraska; to change  
4 provisions relating to transitional child care assistance and cash  
5 assistance; to require background checks as prescribed under the Child  
6 Care Licensing Act and Children's Residential Facilities and Placing  
7 Licensure Act; to provide powers and duties for the Department of Health  
8 and Human Services and the Nebraska State Patrol; to define terms; to  
9 harmonize provisions; to provide operative dates; to repeal the original  
10 sections; and to declare an emergency."

**LEGISLATIVE BILL 460A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 209.** Title read. Considered.

Committee AM1432, found on page 1263, was offered.

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

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

Voting in the affirmative, 39:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lathrop	Scheer
Blood	DeBoer	Hansen, B.	Linehan	Slama
Bolz	Dorn	Hilgers	Lowe	Stinner
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brandt	Friesen	Howard	McDonnell	Williams
Brewer	Geist	Hughes	Moser	Wishart
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 3:

Chambers      Hunt              Pansing Brooks

Present and not voting, 3:

Cavanaugh Kolowski Vargas

Excused and not voting, 4:

Hansen, M. Lindstrom Morfeld Wayne

The committee amendment was adopted with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Howard offered the following amendment:

AM1524

(Amendments to Standing Committee amendments, AM1432)

1 1. Insert the following new section:

2 Sec. 3. Section 28-345, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 28-345 The Department of Health and Human Services shall prepare and  
5 keep on permanent file compilations of the information submitted on the  
6 abortion reporting forms and reporting forms regarding attempts at  
7 continuing a woman's pregnancy after taking mifepristone pursuant to such  
8 rules and regulations as established by the department, which  
9 compilations shall be a matter of public record. Under no circumstances  
10 shall the compilations of information include the name of any attending  
11 physician or identify in any respect facilities where abortions are  
12 performed. The department, in order to maintain and keep such  
13 compilations current, shall file with such reports any new or amended  
14 information.

15 2. On page 8, after line 18, insert the following new subsection:

16 "(7)(a) The Department of Health and Human Services shall prescribe  
17 a reporting form which shall be used for the reporting of every attempt  
18 at continuing a woman's pregnancy after taking mifepristone as described  
19 in this section performed in this state. Such form shall include the  
20 following items:

21 (i) The age of the pregnant woman;

22 (ii) The location of the facility where the service was performed;

23 (iii) The type of service provided;

24 (iv) Complications, if any;

25 (v) The name of the attending medical professional;

26 (vi) The pregnant woman's obstetrical history regarding previous  
1 pregnancies, abortions, and live births;

2 (vii) The state of the pregnant woman's legal residence;

3 (viii) Whether an emergency situation caused the physician to waive  
4 any of the requirements of section 28-327; and

5 (ix) Such other information as may be prescribed in accordance with  
6 section 71-602.

7 (b) The completed form shall be signed by the attending medical  
8 professional and sent to the department within fifteen days after each  
9 reporting month. The completed form shall be an original, typed or  
10 written legibly in durable ink, and shall not be deemed complete unless  
11 the omission of any item of information required shall have been  
12 disclosed or satisfactorily accounted for. Carbon copies shall not be  
13 acceptable. The reporting form shall not include the name of the person  
14 for whom the service was provided. The reporting form shall be  
15 confidential and shall not be revealed except upon the order of a court  
16 of competent jurisdiction in a civil or criminal proceeding."  
17 3. Renumber the remaining section and correct the repealer  
18 accordingly.

The Howard amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 2019, at 11:15 a.m. were the following: LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

### VISITOR(S)

Visitors to the Chamber were Representatives Brandon Woodard, Brett Parker, and Rui Xu from the Kansas House of Representatives; and a group of international journalists and interpreters sponsored by the U.S. State Department.

### RECESS

At 11:48 a.m., on a motion by Senator Cavanaugh, 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 Senator M. Hansen who was excused; and Senators Briese, Crawford, Groene, Hilkemann, Howard, Kolterman, Lindstrom, Linehan, and McCollister who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 209.** Senator Hunt offered the following motion:  
MO71  
Recommit to the Judiciary Committee.

Pending.

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 592.** Placed on General File with amendment.  
AM1359

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 53-103.13, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 53-103.13 Farm winery means any enterprise which produces and sells  
6 wines produced from grapes, other fruit, or other suitable agricultural  
7 products of which at least ~~sixty seventy five~~ percent of the finished  
8 product is grown in this state or which meets the requirements of section  
9 53-123.13.  
10 Sec. 2. Section 53-123.11, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:  
12 53-123.11 (1) A farm winery license shall entitle the holder to:  
13 (a) Sell wines produced at the farm winery onsite at wholesale and  
14 retail and to sell wines produced at the farm winery at off-premises  
15 sites holding the appropriate retail license;  
16 (b) Sell wines produced at the farm winery at retail for consumption  
17 on the premises;  
18 (c) ~~(e)~~~~(i)~~ Permit a customer to remove one unsealed bottle of wine  
19 for consumption off the premises. The licensee or his or her agent shall  
20 (i) ~~(A)~~ securely reseal such bottle and place the bottle in a bag  
21 designed so that it is visibly apparent that the resealed bottle of wine  
22 has not been opened or tampered with and (ii) ~~(B)~~ provide a dated receipt  
23 to the customer and attach to such bag a copy of the dated receipt for  
24 the resealed bottle of wine.~~(ii)~~ If the resealed bottle of wine is  
25 transported in a motor vehicle, it must be placed in the trunk of the  
26 motor vehicle or the area behind the last upright seat of such motor  
27 vehicle if the area is not normally occupied by the driver or a passenger  
1 and the motor vehicle is not equipped with a trunk;  
2 (d) Ship wines produced at the farm winery by common carrier and  
3 sold at retail to recipients in and outside the State of Nebraska, if the  
4 output of such farm winery for each calendar year as reported to the  
5 commission by December 31 of each year does not exceed thirty thousand  
6 gallons. In the event such amount exceeds thirty thousand gallons, the  
7 farm winery shall be required to use a licensed wholesaler to distribute  
8 its wines for the following calendar year, except that this requirement

9 shall not apply to wines produced and sold onsite at the farm winery  
10 pursuant to subdivision (1)(a) of this section;

11 (e) Allow sampling and sale of the wine at the farm winery and at  
12 four ~~one~~ branch outlets ~~outlet~~ in the state in reasonable amounts;

13 (f) Sell wines produced at the farm winery to other Nebraska farm  
14 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance  
15 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such  
16 regulations existed on January 1, 2008;

17 (g) Purchase distilled spirits from licensed microdistilleries in  
18 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm  
19 winery wine to be used in the production of fortified wine at the  
20 purchasing licensed farm winery; and

21 (h) Store and warehouse products produced at the farm winery in a  
22 designated, secure, offsite storage facility if the holder of the farm  
23 winery license notifies the commission of the location of the facility  
24 and maintains, at the farm winery and at the facility, a separate  
25 perpetual inventory of the product stored at the facility. Consumption of  
26 alcoholic liquor at the facility is strictly prohibited.

27 (2) No farm winery shall manufacture wine in excess of fifty  
28 thousand gallons per year.

29 (3) A farm winery may manufacture and sell hard cider on its  
30 licensed premises. A farm winery shall not otherwise distribute the hard  
31 cider it manufactures except by sale to a wholesaler licensed under the  
1 Nebraska Liquor Control Act.

2 (4) A holder of a farm winery license may obtain a special  
3 designated license pursuant to section 53-124.11.

4 (5) A holder of a farm winery license may obtain an annual catering  
5 license pursuant to section 53-124.12.

6 Sec. 3. Section 53-123.13, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 53-123.13 (1) If the operator of a farm winery is unable to produce  
9 or purchase sixty ~~seventy-five~~ percent of the grapes, fruit, or other  
10 suitable agricultural products used in the farm winery from within the  
11 state due to natural disaster which causes substantial loss to the  
12 Nebraska-grown crop, such operator may petition the commission to waive  
13 the sixty-percent ~~seventy-five percent~~ requirement prescribed in section  
14 53-103.13 for one year.

15 (2) It shall be within the discretion of the commission to waive the  
16 sixty-percent ~~seventy-five percent~~ requirement taking into consideration  
17 the availability of products used in farm wineries in this area and the  
18 ability of such operator to produce wine from products that are abundant  
19 within the state.

20 (3) If the operator of a farm winery is granted a waiver, any  
21 product purchased as concentrated juice from grapes or other fruits from  
22 outside of Nebraska, when reconstituted from concentrate, may not exceed  
23 in total volume along with other products purchased the total percentage  
24 allowed by the waiver.

25 (4) Any product purchased under the waiver or as part of the forty  
26 ~~twenty-five~~ percent of allowable product purchased that is not Nebraska-

27 grown for the production of wine shall not exceed the ~~forty twenty five~~  
 28 percent volume allowed under state law if made from concentrated grapes  
 29 or other fruit, when reconstituted. The concentrate shall not be reduced  
 30 to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.  
 31 Sec. 4. Original sections 53-103.13 and 53-123.13, Reissue Revised  
 1 Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative  
 2 Supplement, 2018, are repealed.

(Signed) Tom Briese, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 641A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Chambers filed the following amendment to LB209:

FA61

Amend AM1432

Page 1, line 18, strike and show as stricken "unborn child" and insert  
 "fetus"; in line 20 strike and show as stricken "child" and insert  
 "pregnancy".

**GENERAL FILE**

**LEGISLATIVE BILL 583.** Title read. Considered.

Senator Hilgers withdrew his amendment, AM523, found on page 983.

Senator Hilgers offered the following amendment:

AM1490

1 1. On page 2, line 23, strike "or an eligible county" and insert "  
 2 an eligible county, a city of the metropolitan class, or a city of the  
 3 primary class".

4 2. On page 5, line 12, after "county" insert "a city of the  
 5 metropolitan class, or a city of the primary class"; and in line 14 after  
 6 "county" insert "a city of the metropolitan class, or city of the primary  
 7 class".

8 3. On page 15, line 9, after "county" insert "a city of the  
 9 metropolitan class, or a city of the primary class".

Senator Chambers offered the following motion:

MO72

Bracket until June 5, 2019.

**SPEAKER SCHEER PRESIDING**

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

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

Voting in the affirmative, 0.

Voting in the negative, 42:

Albrecht	Crawford	Hilgers	Lowe	Slama
Arch	DeBoer	Howard	McCollister	Stinner
Blood	Dorn	Hughes	McDonnell	Vargas
Bolz	Erdman	Hunt	Morfeld	Wayne
Bostelman	Friesen	Kolterman	Moser	Williams
Brandt	Geist	La Grone	Murman	Wishart
Brewer	Gragert	Lathrop	Pansing Brooks	
Briese	Groene	Lindstrom	Quick	
Cavanaugh	Hansen, B.	Linehan	Scheer	

Present and not voting, 2:

Chambers      Clements

Excused and not voting, 5:

Halloran      Hansen, M.      Hilkemann      Kolowski      Walz

The Chambers motion to bracket failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO73

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO73, to reconsider the vote. No objections. So ordered.

The Hilgers amendment, AM1490, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

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

Senator Bolz filed the following amendment to LB600:  
AM1483 is available in the Bill Room.

**VISITOR(S)**

Visitors to the Chamber were union members of firefighters, utility workers, teamsters, and electricians from across the state.

The Doctor of the Day was Dr. Douglas Inciarte from Omaha.

**ADJOURNMENT**

At 4:32 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-EIGHTH DAY - APRIL 30, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 30, 2019

**PRAYER**

The prayer was offered by Pastor Carl Sirotzki, Thabor Lutheran Church, Wausa.

**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, McCollister, Morfeld, Stinner, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1235, line 11, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law."

Page 1235, line 22, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law,"

The Journal for the sixty-second day was approved as corrected.

The Journal for the sixty-seventh day was approved.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 519.** Placed on General File with amendment.  
AM1460 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 641A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 149.** Title read. Considered.

Committee AM901, found on page 960, was offered.

Senator Friesen offered his amendment, AM1478, found on page 1286, to the committee amendment.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Friesen moved for a call of the house. The motion prevailed with 24 ayes, 8 nays, and 17 not voting.

Senator Quick requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 22:

Bolz	Erdman	Howard	McDonnell	Vargas
Brandt	Friesen	Hughes	Murman	Walz
Cavanaugh	Halloran	Kolowski	Pansing Brooks	
Chambers	Hansen, M.	Lathrop	Quick	
Dorn	Hilkemann	Linehan	Stinner	

Voting in the negative, 25:

Albrecht	Briese	Gragert	Kolterman	Moser
Arch	Clements	Groene	La Grone	Scheer
Blood	Crawford	Hansen, B.	Lindstrom	Slama
Bostelman	DeBoer	Hilgers	Lowe	Wayne
Brewer	Geist	Hunt	Morfeld	Wishart

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Williams

The Friesen amendment lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Matt Hansen

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Justin Wayne

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 657A.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 184.** Placed on Select File with amendment.

ER101

- 1 1. In the Standing Committee amendments, AM1252:
- 2 a. On page 1, line 23, after the second "and" insert "the";
- 3 b. On page 2, line 7, after the comma insert "(a)"; in line 9 strike
- 4 the second comma and after the second "and" insert "(b)"; in line 13
- 5 strike the comma; and in line 15 strike "right-of-way" and insert
- 6 "rights-of-way";
- 7 c. On page 3, line 8; and page 21, line 13, strike "permit granting"
- 8 and insert "permit-granting";
- 9 d. On page 4, line 14, strike beginning with the second comma
- 10 through "section" and insert "of Historic Places, in accordance with
- 11 Stipulation"; and strike beginning with the second "the" in line 15
- 12 through "Antennas" in line 16 and insert "Review of Effects on Historic
- 13 Properties for Certain Undertakings Approved by the Federal
- 14 Communications Commission";
- 15 e. On page 8, line 31, strike "non-discriminatory" and insert
- 16 "nondiscriminatory"; and
- 17 f. On page 22, line 15, strike "area" and insert "areas".

**LEGISLATIVE BILL 478.** Placed on Select File with amendment.

ER94

1 1. On page 1, strike beginning with "civil" in line 1 through line 4  
2 and insert "rules of evidence; to amend section 27-412, Reissue Revised  
3 Statutes of Nebraska; to prohibit evidence of a minor's consent in any  
4 civil proceeding involving certain alleged sex offenses; and to repeal  
5 the original section."

**LEGISLATIVE BILL 595.** Placed on Select File with amendment.

ER95

1 1. On page 1, strike lines 2 through 23 and insert "sections  
2 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2908, 25-2909,  
3 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918,  
4 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04,  
5 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.02, 43-2,108.03,  
6 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue  
7 Revised Statutes of Nebraska, and sections 43-274 and 43-286, Revised  
8 Statutes Cumulative Supplement, 2018; to restate legislative findings; to  
9 define and redefine terms; to change provisions relating to the  
10 qualifications of the Director of the Office of Dispute Resolution, the  
11 membership of the Advisory Council on Dispute Resolution, and the  
12 office's and director's duties; to change provisions relating to approved  
13 centers, cases accepted for restorative justice and dispute resolution,  
14 and qualifications of mediators and restorative justice facilitators; to  
15 provide a privilege for communications made in restorative justice as  
16 prescribed; to provide for immunity and reparation plan agreements; to  
17 change provisions relating to tolling of statutes of limitations,".  
18 2. On page 2, line 5, after the first semicolon insert "to provide  
19 for licensed attorneys to serve as parenting plan mediators;".

**LEGISLATIVE BILL 96.** Placed on Select File with amendment.

ER93

1 1. On page 2, line 9, strike "and" and show as stricken.

**LEGISLATIVE BILL 538A.** Placed on Select File.**LEGISLATIVE BILL 179.** Placed on Select File.**LEGISLATIVE BILL 468.** Placed on Select File with amendment.

ER96

1 1. On page 1, strike beginning with "the" in line 1 through line 6  
2 and insert "government; to amend sections 43-2201, 43-2203, 43-2204,  
3 43-2205, and 43-2209, Reissue Revised Statutes of Nebraska, and section  
4 68-901, Revised Statutes Supplement, 2017, as amended by section 1,  
5 Initiative Law 2018, No. 427; to restate intent; to change and eliminate  
6 provisions related to family finding services; to eliminate a pilot  
7 project and a termination date; to prohibit coverage of long-term care  
8 services and supports under the medicaid managed care program of the  
9 Medical Assistance Act as prescribed; to harmonize provisions; to repeal

10 the original sections; and to outright repeal sections 43-2206 and  
11 43-2208, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 418.** Placed on Select File with amendment.

ER99

1 1. In the Standing Committee amendments, AM1266, on page 9, line 27,  
2 strike "claim" and insert "claims".  
3 2. On page 1, strike beginning with "the" in line 1 through line 5  
4 and insert "state government; to amend sections 48-193, 48-194, 48-195,  
5 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue  
6 Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised  
7 Statutes Cumulative Supplement, 2018; to provide for settlement of claims  
8 of alien dependents, define a term, provide for applicability of changes,  
9 change provisions relating to claims, and prohibit debt collection while  
10 a matter is pending before the Nebraska Workers' Compensation Court as  
11 prescribed under the Nebraska Workers' Compensation Act; to change  
12 provisions relating to tort claims against the state; to change  
13 provisions relating to the State Self-Insured Liability Fund and state  
14 vehicles; to harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 560.** Placed on Select File with amendment.

ER97

1 1. In the Standing Committee amendments, AM1414, on page 8, line 19,  
2 strike "(4)" and insert "(7)".  
3 2. On page 1, line 2, strike "77-5209, 77-5209.01, and 77-5211" and  
4 insert "77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212";  
5 and in line 4 after the first semicolon insert "to define a term;"

**LEGISLATIVE BILL 433.** Placed on Select File with amendment.

ER100

1 1. On page 1, line 2, strike "section 76-1416" and insert "sections  
2 76-1416 and 76-1431"; and in line 4 after "damages" insert "and the  
3 period of time relating to a written notice to quit" and strike "section"  
4 and insert "sections".

**LEGISLATIVE BILL 86.** Placed on Select File with amendment.

ER98 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 97.** Introduced by Cavanaugh, 6;  
Albrecht, 17; Blood, 3; Bolz, 29; Chambers, 11; Crawford, 45; DeBoer, 10;  
Dorn, 30; Friesen, 34; Groene, 42; Hansen, M., 26; Hilkemann, 4; Howard,  
9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49;  
Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5;

Pansing Brooks, 28; Quick, 35; Scheer, 19; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, April is Sexual Assault Awareness Month, a time to raise public awareness and educate communities on sexual violence; and

WHEREAS, sexual assault is a serious and widespread issue, as one in three women and one in six men have experienced some form of sexual violence in their lifetime, and one in five women and one in seventy-one men will be raped in their lifetime; and

WHEREAS, silence and lack of knowledge about sexual assault play a large part in why it persists. By building awareness, we can end the shame and stigma with which survivors are burdened; and

WHEREAS, preventing sexual assault means stopping sexual violence before it has a chance to happen and will require changing the social norms, from individual attitudes, values, and behaviors, to laws and institutions; and

WHEREAS, the theme of the National Sexual Violence Resource Center for the 2019 Sexual Assault Awareness Month is "I Ask", which champions the message that asking for consent is a healthy, normal, and necessary part of everyday interactions. By uplifting the importance of consent, we are providing a clear example of what it takes to end sexual harassment, abuse, and assault; and

WHEREAS, sexual assault prevention is everyone's responsibility. We can all work to create and promote safe environments, to intervene to stop concerning behavior, to promote and model healthy attitudes and relationships, and to believe survivors and assist them in finding resources; and

WHEREAS, we can enact public policies and build systems that prevent sexual assault and support survivors in their search for physical and mental health care, safety, and justice.

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

1. That the Legislature recognizes April 2019 as Sexual Assault Awareness Month in Nebraska.
2. That the Legislature encourages Nebraskans to educate and engage policymakers and the public in addressing and preventing sexual assault and to unite in supporting sexual assault survivors.

Laid over.

**LEGISLATIVE RESOLUTION 98.** Introduced by Lowe, 37; Arch, 14; Blood, 3; Brandt, 32; Briese, 41; Hunt, 8.

**PURPOSE:** The purpose of this interim study is to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms.

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

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

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

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 149.** Senator Wayne offered his amendment, AM1228, found on page 1314, to the committee amendment.

### SPEAKER SCHEER PRESIDING

### PRESIDENT FOLEY PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 21:

Arch	Erdman	Hilgers	Lowe	Wishart
Bostelman	Geist	Hilkemann	McDonnell	
Brewer	Groene	Hunt	Scheer	
Clements	Halloran	Kolterman	Slama	
DeBoer	Hansen, B.	La Grone	Wayne	

Voting in the negative, 21:

Albrecht	Dorn	Hughes	Pansing Brooks Williams
Brandt	Friesen	Lindstrom	Quick
Briese	Gragert	McCollister	Stinner
Cavanaugh	Hansen, M.	Moser	Vargas
Crawford	Howard	Murman	Walz

Present and not voting, 7:

Blood	Chambers	Lathrop	Morfeld
Bolz	Kolowski	Linehan	

The Wayne amendment lost with 21 ayes, 21 nays, and 7 present and not

voting.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 99.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

WHEREAS, Michael Walden-Newman began serving as the State Investment Officer for the Nebraska Investment Council in December of 2014; and

WHEREAS, at Mr. Walden-Newman's recommendation, the Nebraska Investment Council has initiated a strategic "blank sheet" review of the investment portfolio, focusing on one asset class at a time. The multi-year approach will result in a final investment structure and selection of best-in-class managers in order to keep the portfolio fresh and fine-tuned; and

WHEREAS, under Mr. Walden-Newman's tenure, several honors have been bestowed on council staff and endeavors; and

WHEREAS, the Council was awarded the 2017 Silver Summit Creative Award in the Government Website category in recognition of improved transparency and public access following the redesign of the web site. This creative competition drew more than 5,000 submissions from 24 countries in 18 major categories; and

WHEREAS, Joe Spitznagel, a portfolio manager for the Nebraska Investment Council, was named one of the Top 30 Public Pension Institutional Investors in 2018 by Trusted Insight in recognition of being a front runner in the public pension industry by implementing innovative investment strategies to generate alpha and achieve long-term return goals; and

WHEREAS, Jeremiah Garber, a Portfolio Manager for the Nebraska Investment Council, was named one of the Top 30 Institutional Investors in the Midwest in 2018 by Trusted Insight in recognition of his talent as a senior-level investment professional tasked with incorporating long-term investment strategies; and

WHEREAS, Michael Walden-Newman is one of five nominees for the Trusted Insight 2019 Distinguished CIO Award that recognizes chief investment officers who have generously given their time, intellect, and wisdom to encourage the community's innovative efforts, collaboration, and leadership. Other nominees include chief investment officers from the Robert Wood Johnson Foundation, Alaska Permanent Fund, Teacher Retirement System of Texas, New Mexico Educational Retirement Board, and Parkland Management Company; and

WHEREAS, the Nebraska Investment Council, under the guidance of State Investment Officer Michael Walden-Newman and teamwork of the eight-member investment team, JoLynn Winkler, Joseph Jurich, Chris

Sanders, Joyce Schlautman, Jennifer Hatfield, Kathy Dawes, Jeremiah Garber, and Joe Spitznagel, have been recognized nationally for the Council's portfolio performance; and

WHEREAS, the retirement portfolio invested by the Council is currently ranked among the top ten best funded state-administered retirement systems. Plans are funded at the following levels: The County Employees Retirement System is funded at 108%, the State Employees Retirement System is funded at 104%, the Judges Retirement System is funded at 96%, the School Employees Retirement System is funded at 89%, and the Nebraska State Patrol Retirement System is funded at 87%.

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

1. That the Legislature recognizes the important investment work and significant achievements of the Nebraska Investment Council, State Investment Officer, Michael Walden-Newman, and the Council staff.

2. That the Legislature recognizes the contributions of Michael Walden-Newman to the work of the Nebraska Investment Council that have resulted in numerous national and regional awards and recognition.

3. That a copy of this resolution be sent to Michael Walden-Newman and the Nebraska Investment Council.

Laid over.

### **VISITOR(S)**

Visitors to the Chamber were Senator Briese's brother and sister-in-law, Tim and Teresa Briese, from Colorado Springs, CO; students from St. Wenceslaus School, Dodge; students from Emmanuel-Faith Lutheran School, York; Senator Quick's wife, Alice, from Grand Island; students, teacher, and sponsors from Trinity Lutheran Elementary School, Grand Island; students from Deshler Elementary School; and Aya Yoosuf, UNO student body president and student regent.

### **RECESS**

At 11:45 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Hilkemann and McDonnell who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 100.** Introduced by Clements, 2.

WHEREAS, Louisville High School received a 2018 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, Louisville High School demonstrates high educational standards and provides all students the opportunity to learn through the enjoyment of the arts; and

WHEREAS, Louisville High School provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and

WHEREAS, Louisville High School was one of only two schools to receive this award for 2018; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Louisville High School for receiving a 2018 NebraskARTS award.

2. That a copy of this resolution be sent to Louisville High School Principal, Brett Schwartz, on behalf of the school's students, teachers, staff, and parents.

Laid over.

**MOTION(S) - Override Veto on LB472**

Senator Dorn offered his motion, MO68, found on page 1288, that LB472 becomes law notwithstanding the objections of the Governor.

Senator Dorn moved for a call of the house. The motion prevailed with 31 ayes, 8 nays, and 10 not voting.

Senator Dorn requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 41:

Arch	Crawford	Hilkemann	McCollister	Vargas
Blood	DeBoer	Howard	McDonnell	Walz
Bolz	Dorn	Hughes	Morfeld	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Gragert	Kolowski	Murman	Wishart
Brewer	Groene	Kolterman	Pansing Brooks	
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, B.	Lindstrom	Scheer	
Chambers	Hansen, M.	Linehan	Stinner	

Voting in the negative, 8:

Albrecht	Erdman	Hilgers	Lowe
Clements	Geist	La Grone	Slama

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

### COMMUNICATION

April 30, 2019

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB472 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB472, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:lg  
Enc.

### CERTIFICATE

Legislative Bill 472, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 30th day of April 2019.

(Signed) Mike Foley  
President of the Legislature

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

Senator Linehan filed the following amendment to LB334:  
AM1283

(Amendments to E & R amendments, ER72)

1 1. Insert the following new section:

2 Sec. 7. Section 81-829.42, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4 81-829.42 (1) The Legislature recognizes that, while appropriations  
5 are adequate to meet the normal needs, the necessity exists for  
6 anticipating and making advance provision to care for the unusual and  
7 extraordinary burdens imposed on the state and its political subdivisions  
8 by disasters, emergencies, or civil defense emergencies. To meet such  
9 situations, it is the intention of the Legislature to confer emergency  
10 powers on the Governor, acting through the Adjutant General and the  
11 Nebraska Emergency Management Agency, and to vest him or her with  
12 adequate power and authority within the limitation of available funds  
13 appropriated to the Governor's Emergency Program to meet any disaster,  
14 emergency, or civil defense emergency.

15 (2) There is hereby established the Governor's Emergency Program.  
16 Funds appropriated to the program shall be expended, upon direction of  
17 the Governor, for any state of emergency. The state of emergency  
18 proclamation shall set forth the emergency and shall state that it  
19 requires the expenditure of public funds to furnish immediate aid and  
20 relief. The Adjutant General shall administer the funds appropriated to  
21 the program.

22 (3) It is the intent of the Legislature that the first recourse  
23 shall be to funds regularly appropriated to state and local agencies. If  
24 the Governor finds that the demands placed upon these funds are  
25 unreasonably great, he or she may make funds available from the  
26 Governor's Emergency Program. Expenditures may be made upon the direction  
1 of the Governor for any or all emergency management functions or to meet  
2 the intent of the state emergency operations plans as outlined in section  
3 81-829.41. Expenditures may also be made to state and federal agencies to  
4 meet the matching requirement of any applicable assistance programs.

5 (4) Assistance shall be provided from the funds appropriated to the  
6 Governor's Emergency Program to political subdivisions of this state  
7 which have suffered from a disaster, emergency, or civil defense  
8 emergency to such an extent as to impose a severe financial burden  
9 exceeding the ordinary capacity of the subdivision affected. Applications  
10 for aid under this section shall be made to the Nebraska Emergency  
11 Management Agency on such forms as shall be prescribed and furnished by  
12 the agency. The forms shall require the furnishing of sufficient  
13 information to determine eligibility for aid and the extent of the  
14 financial burden incurred. The agency may call upon other agencies of the  
15 state in evaluating such applications. The Adjutant General shall review  
16 each application for aid under this section and recommend its approval or  
17 disapproval, in whole or in part, to the Governor. If the Governor

18 approves, he or she shall determine and certify to the Adjutant General  
19 the amount of aid to be furnished. The Adjutant General shall thereupon  
20 issue his or her voucher to the Director of Administrative Services who  
21 shall issue his or her warrants therefor to the applicant.

22 (5) When a state of emergency has been proclaimed by the Governor,  
23 the Adjutant General, upon order of the Governor, shall have authority to  
24 expend funds for purposes including, but not limited to:

25 (a) The purposes of the Emergency Management Act, including  
26 emergency management functions and the responsibilities of the Governor  
27 as outlined in the act;

28 (b) Employing for the duration of the state of emergency additional  
29 personnel and contracting or otherwise procuring all necessary  
30 appliances, supplies, and equipment;

31 (c) Performing services for and furnishing materials and supplies to  
1 state government agencies and local governments with respect to  
2 performance of any duties enjoined by law upon such agencies and local  
3 governments which they are unable to perform because of extreme climatic  
4 phenomena and receiving reimbursement in whole or in part from such  
5 agencies and local governments able to pay therefor under such terms and  
6 conditions as may be agreed upon by the Adjutant General and any such  
7 agency or local government;

8 (d) Performing services for and furnishing materials to any  
9 individual in connection with alleviating hardship and distress growing  
10 out of extreme climatic phenomena and receiving reimbursement in whole or  
11 in part from such individual under such terms as may be agreed upon by  
12 the Adjutant General and such individual;

13 (e) Opening up, repairing, and restoring roads and highways;

14 (f) Repairing and restoring bridges;

15 (g) Furnishing transportation for supplies to alleviate suffering  
16 and distress;

17 (h) Restoring means of communication;

18 (i) Furnishing medical services and supplies to prevent the spread  
19 of disease and epidemics;

20 (j) Quelling riots and civil disturbances;

21 (k) Training individuals or governmental agencies for the purpose of  
22 perfecting the performance of emergency management duties as provided in  
23 the Nebraska emergency operations plans;

24 (l) Procurement and storage of special emergency supplies or  
25 equipment, determined by the Adjutant General to be required to provide  
26 rapid response by state government to assist local governments in  
27 impending or actual disasters, emergencies, or civil defense emergencies;

28 (m) Clearing or removing debris and wreckage which may threaten  
29 public health or safety from publicly owned or privately owned land or  
30 water; and

31 (n) Such other measures as are customarily necessary to furnish  
1 adequate relief in cases of disaster, emergency, or civil defense  
2 emergency.

3 (6) If response to a disaster or emergency is immediately required,  
4 the Adjutant General may make expenditures of up to twenty-five thousand

5 dollars per event without a state of emergency proclamation issued by the  
6 Governor. Such expenditures shall be used for the purposes as provided in  
7 subsection (5) of this section.

8 (7) The Governor may receive such voluntary contributions as may be  
9 made from any nonfederal source to aid in carrying out the purposes of  
10 this section and shall credit the same to the Governor's Emergency Cash  
11 Fund.

12 (8) All obligations and expenses incurred by the Governor in the  
13 exercise of the powers and duties vested in the Governor by this section  
14 shall be paid by the State Treasurer out of available funds appropriated  
15 to the Governor's Emergency Program, and the Director of Administrative  
16 Services shall draw his or her warrants upon the State Treasurer for the  
17 payment of such sum, or so much thereof as may be required, upon receipt  
18 by him or her of proper vouchers duly approved by the Adjutant General.

19 (9) This section shall be liberally construed in order to accomplish  
20 the purposes of the Emergency Management Act and to permit the Governor  
21 to adequately cope with any disaster, emergency, or civil defense  
22 emergency which may arise, and the powers vested in the Governor by this  
23 section shall be construed as being in addition to all other powers  
24 presently vested in him or her and not in derogation of any existing  
25 powers.

26 (10) Such funds as may be made available by the government of the  
27 United States for the purpose of alleviating distress from disasters,  
28 emergencies, and civil defense emergencies may be accepted by the State  
29 Treasurer and shall be credited to a separate and distinct fund unless  
30 otherwise specifically provided in the act of Congress making such funds  
31 available or as otherwise allowed and provided by state law.

1 (11) It is the intent of the Legislature that the four million  
2 dollars saved due to the elimination of funding for the Angel Investment  
3 Tax Credit Act be used to increase the appropriation to the Military  
4 Department for the Governor's Emergency Program by four million dollars  
5 for fiscal year 2020-21.

6 2. On page 11, line 31, strike "2020-21" and insert "2021-22".

7 3. On page 13, line 11, after "50-1209," insert "81-829.42,".

8 4. Renumber the remaining sections accordingly.

Senator Linehan filed the following amendment to LB334A:

AM1281

1 1. On page 2, line 11, strike "Department of Economic Development"  
2 and insert "Military Department" and strike "603" and insert "192"; and  
3 after line 18 insert:

4 "Expenditures from this program shall not be restricted to state aid  
5 if other expenditures are necessary to fulfill the goals of the  
6 Governor's Emergency Program.".

**GENERAL FILE**

**LEGISLATIVE BILL 149.** Senator Quick offered the following amendment to the committee amendment:

FA62

Amend AM901

Strike sections 13, 14, 15, and 16. Renumber the following sections accordingly and correct the repealer accordingly.

The Quick amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

The committee amendment, AM901, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 532.** Title read. Considered.

Committee AM674, found on page 1175, was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Senator Cavanaugh withdrew her amendment, AM54, found on page 437.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

**LEGISLATIVE BILL 532A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

**LEGISLATIVE BILL 492.** Title read. Considered.

Committee AM628, found on page 1238, was offered.

**SPEAKER SCHEER PRESIDING**

Senator La Grone offered the following amendment to the committee amendment:

AM1552 is available in the Bill Room.

Senator La Grone withdrew his amendment.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 470.** Placed on Select File with amendment.

ER102

1 1. On page 1, strike lines 2 through 10 and insert "77-103, 77-105,  
2 77-202, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and  
3 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to  
4 exempt dwelling complexes and any related amenities located on a United  
5 States Department of Defense military installation from property taxes as  
6 prescribed; to provide for payments in lieu of taxes as prescribed; to  
7 change provisions relating to the assessment of improvements on leased  
8 lands; to provide tax deductions for certain contributions to the  
9 Nebraska educational savings plan trust as prescribed; to provide that  
10 certain contributions to the Nebraska educational savings plan trust not  
11 be recognized as income for certain purposes; to harmonize provisions; to  
12 provide a duty for the Revisor of Statutes; to provide operative dates;  
13 and to repeal the original sections."

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 138.** Placed on Final Reading.**LEGISLATIVE BILL 177.** Placed on Final Reading.**LEGISLATIVE BILL 227.** Placed on Final Reading.

ST18

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 through 4 have been struck and "sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska; to change nuisance provisions and provide for a limitation on nuisance actions; to provide for applicability; to update an act reference; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 237.** Placed on Final Reading.**LEGISLATIVE BILL 237A.** Placed on Final Reading.**LEGISLATIVE BILL 496.** Placed on Final Reading.**LEGISLATIVE BILL 616.** Placed on Final Reading.**LEGISLATIVE BILL 641A.** Placed on Final Reading.**LEGISLATIVE BILL 693.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

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

Senator Cavanaugh filed the following amendment to LB397:  
AM1528 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB538:  
AM1544

(Amendments to AM1278)

1 1. Insert the following new sections:

2 Sec. 4. No cash device shall be operated using a credit card,  
3 charge card, or debit card. No person under nineteen years of age shall  
4 play or participate in any way in the operation of a cash device. No  
5 operator or employee or agent of any operator shall knowingly permit any  
6 individual under nineteen years of age to play or participate in any way  
7 in the operation of a cash device.

8 Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 77-5601 (1) From August 1, 2004, through October 31, 2004, there  
11 shall be conducted a tax amnesty program with regard to taxes due and  
12 owing that have not been reported to the Department of Revenue. Any  
13 person applying for tax amnesty shall pay all unreported taxes that were  
14 due on or before April 1, 2004. Any person that applies for tax amnesty  
15 and is accepted by the Tax Commissioner shall have any penalties and  
16 interest waived on unreported and delinquent taxes notwithstanding any  
17 other provisions of law to the contrary.

18 (2) To be eligible for the tax amnesty provided by this section, the  
19 person shall apply for amnesty within the amnesty period, file a return  
20 for each taxable period for which the amnesty is requested by December  
21 31, 2004, if no return has been filed, and pay in full all taxes for  
22 which amnesty is sought with the return or within thirty days after the  
23 application if a return was filed prior to the amnesty period. Tax  
24 amnesty shall not be available for any person that is under civil or  
25 criminal audit, investigation, or prosecution for unreported or  
26 delinquent taxes by this state or the United States Government on or  
1 before April 16, 2004.

2 (3) The department shall not seek civil or criminal prosecution  
3 against any person for any taxable period for which amnesty has been  
4 granted. The Tax Commissioner shall develop forms for applying for the  
5 tax amnesty program, develop procedures for qualification for tax  
6 amnesty, and conduct a public awareness campaign publicizing the program.

7 (4) If a person elects to participate in the amnesty program, the  
8 election shall constitute an express and irrevocable relinquishment of  
9 all administrative and judicial rights to challenge the imposition of the  
10 tax or its amount. Nothing in this section shall prohibit the department  
11 from adjusting a return as a result of any state or federal audit.

12 (5)(a) Except for any local option sales tax collected and returned  
13 to the appropriate municipality and any motor vehicle fuel, diesel fuel,  
14 and compressed fuel taxes, which shall be deposited in the Highway Trust  
15 Fund or Highway Allocation Fund as provided by law, no less than eighty

16 percent of all revenue received pursuant to the tax amnesty program shall  
17 be deposited in the General Fund ~~and~~ ; ten percent, not to exceed five  
18 hundred thousand dollars, shall be deposited in the Department of Revenue  
19 Enforcement Fund; ~~and ten percent, not to exceed five hundred thousand~~  
20 ~~dollars, shall be deposited in the Department of Revenue Enforcement~~  
21 ~~Technology Fund.~~ Any amount that would otherwise be deposited in the  
22 Department of Revenue Enforcement Fund ~~or the Department of Revenue~~  
23 ~~Enforcement Technology Fund~~ that is in excess of the five-hundred-  
24 thousand-dollar limitation shall be deposited in the General Fund.

25 (b) For fiscal year 2005-06, all proceeds in the Department of  
26 Revenue Enforcement Fund shall be appropriated to the department for  
27 purposes of employing investigators, agents, and auditors and otherwise  
28 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

29 ~~For fiscal year 2005-06, all proceeds in the Department of Revenue~~  
30 ~~Enforcement Technology Fund shall be appropriated to the department for~~  
31 ~~the purposes of acquiring lists, software, programming, computer~~  
1 ~~equipment, and other technological methods for enforcing the act.~~

2 (c) For fiscal years after fiscal year 2005-06, twenty percent of  
3 all proceeds received during the previous calendar year due to the  
4 efforts of auditors and investigators hired pursuant to subdivision (5)  
5 (b) of this section, not to exceed seven hundred fifty thousand dollars,  
6 shall be deposited in the Department of Revenue Enforcement Fund for  
7 purposes of employing investigators and auditors or continuing such  
8 employment for purposes of increasing enforcement of the act.

9 (d) Ten percent of all proceeds received during each calendar year  
10 due to the contracts entered into pursuant to section 77-367 shall be  
11 deposited in the Department of Revenue Enforcement Fund for purposes of  
12 identifying nonfilers of returns, underreporters, nonpayers of taxes, and  
13 improper or fraudulent payments.

14 (6)(a) The department shall prepare a report by April 1, 2005, and  
15 by February 1 of each year thereafter detailing the results of the tax  
16 amnesty program and the subsequent enforcement efforts. For the report  
17 due April 1, 2005, the report shall include (i) the amount of revenue  
18 obtained as a result of the tax amnesty program broken down by tax  
19 program, (ii) the amount obtained from instate taxpayers and from out-of-  
20 state taxpayers, and (iii) the amount obtained from individual taxpayers  
21 and from business enterprises.

22 (b) For reports due in subsequent years, the report shall include  
23 (i) the number of personnel hired for purposes of subdivision (5)(b) of  
24 this section and their duties, (ii) a description of lists, software,  
25 programming, computer equipment, and other technological methods acquired  
26 ~~pursuant to such subdivision~~ and the purposes of each, and (iii) the  
27 amount of new revenue obtained as a result of the new personnel and  
28 acquisitions during the prior calendar year, broken down into the same  
29 categories as described in subdivision (6)(a) of this section.

30 (7) The Department of Revenue Enforcement Fund ~~is and the Department~~  
31 ~~of Revenue Enforcement Technology Fund~~ are created. Transfers may be made  
1 from the Department of Revenue Enforcement Fund to the General Fund at  
2 the direction of the Legislature. The Department of Revenue Enforcement

3 Fund may receive transfers from the Civic and Community Center Financing  
 4 Fund at the direction of the Legislature for the purpose of administering  
 5 the Sports Arena Facility Financing Assistance Act. The Department of  
 6 Revenue Enforcement Fund shall include any money credited to the fund  
 7 under the Mechanical Amusement Device Tax Act, and such money shall be  
 8 used by the department to defray the costs incurred to enforce such act.

9 Any money in the Department of Revenue Enforcement Fund ~~and the~~  
 10 ~~Department of Revenue Enforcement Technology Fund~~ available for  
 11 investment shall be invested by the state investment officer pursuant to  
 12 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 13 Investment Act. ~~The Department of Revenue Enforcement Technology Fund~~  
 14 ~~shall terminate on July 1, 2006. Any unobligated money in the fund at~~  
 15 ~~that time shall be deposited in the General Fund.~~

16 (8) For purposes of this section, taxes mean any taxes collected by  
 17 the department, including, but not limited to state and local sales and  
 18 use taxes, individual and corporate income taxes, financial institutions  
 19 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel  
 20 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

21 2. On page 1, strike lines 11 through 20 and insert the following  
 22 new subsection:

23 "(2) The owner or operator of a retail establishment who is not a  
 24 manufacturer, distributor, or seller of mechanical amusement devices as  
 25 defined under the Mechanical Amusement Device Tax Act shall not be  
 26 subject to prosecution for possession of a gambling device or entering  
 27 into a transaction affecting or designed to affect ownership, custody, or  
 28 use of any gambling device if:

29 (a) Such owner or operator does not own the device and the only  
 30 connection of the owner or operator to the device is entering into an  
 31 agreement for payment or profit-sharing in exchange for placement of the  
 1 device in such owner's or operator's retail establishment; and

2 (b) Such owner or operator does not have actual knowledge that the  
 3 operation of the device in the owner's or operator's retail establishment  
 4 constitutes unlawful gambling activity or violates the Mechanical  
 5 Amusement Device Tax Act."

6 3. On page 4, line 26, after the first "a" insert "cash".

7 4. On page 9, after line 6 insert the following new subsections:

8 "(10)(a) Before any rules and regulations adopted and promulgated to  
 9 carry out this section become effective, any manufacturer, distributor,  
 10 or owner may continue to manufacture, sell, transport, place, possess, or  
 11 enter into a transaction involving (i) cash devices already in operation  
 12 at an establishment as of May 1, 2019, or (ii) other cash devices that  
 13 are functionally identical to those already in operation at an  
 14 establishment as of May 1, 2019.

15 (b) After any rules and regulations adopted and promulgated to carry  
 16 out this section become effective, until any determination of compliance  
 17 or noncompliance by the department, any manufacturer, distributor, or  
 18 owner may continue to manufacture, sell, transport, place, possess, or  
 19 enter into a transaction involving cash devices described in subdivision

20 (10)(a) of this section if, within ninety days after the date when any

21 such rules and regulations become effective, the manufacturer or  
22 distributor files an application with the department for such a  
23 determination.  
24 (c) If a manufacturer or distributor receives a determination from  
25 the department that a device described in subdivision (10)(a) of this  
26 section is not in compliance with the Mechanical Amusement Device Tax  
27 Act, such manufacturer or distributor shall have thirty days after the  
28 issuance of that determination to remove any such device from operation  
29 in Nebraska.  
30 (11) Application fees collected under subsection (2) of this section  
31 and annual decal fees collected under section (8) of this section shall  
1 be remitted to the State Treasurer for credit to the Department of  
2 Revenue Enforcement Fund."  
3 5. On page 10, line 15, strike "section 3" and insert "sections 3  
4 and 4"; and in line 19 strike "and 77-3011" and insert "77-3011, and  
5 77-5601".  
6 6. Renumber the remaining sections accordingly.

### VISITOR(S)

Visitors to the Chamber were students from Blue Sage Elementary School, Elkhorn; Lisa Albers of the Grand Island Public Schools Board of Education; students and teachers from Litchfield Elementary School; students from Woodland Park Elementary School, Norfolk; and Pamela Sorgen, Amanda Bohm, and Elizabeth Power from Omaha and Susan Thurman from La Vista.

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

### ADJOURNMENT

At 4:38 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-NINTH DAY - MAY 1, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 1, 2019

**PRAYER**

The prayer was offered by Pastor Adam DeMike, Faith Missionary Church, Weeping Water.

**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 Bostelman, M. Hansen, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-eighth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 90 and 91 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 90 and 91.

**GENERAL FILE**

**LEGISLATIVE BILL 397.** Title read. Considered.

Senator Cavanaugh offered her amendment, AM1528, found on page 1355.

Senator Briese requested a ruling of the Chair on whether the Cavanaugh amendment is germane to the bill.

The Chair ruled the Cavanaugh amendment is not germane to the bill.

Senator Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Cavanaugh requested a roll call vote, in reverse order, on the motion to overrule the Chair.

Voting in the affirmative, 20:

Blood	Chambers	Howard	Lathrop	Quick
Bolz	Crawford	Hunt	McCollister	Vargas
Brandt	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Kolterman	Pansing Brooks	Wishart

Voting in the negative, 27:

Albrecht	Dorn	Halloran	Linehan	Slama
Arch	Erdman	Hansen, B.	Lowe	Stinner
Bostelman	Friesen	Hilgers	McDonnell	Williams
Brewer	Geist	Hilkemann	Moser	
Briese	Gragert	Hughes	Murman	
Clements	Groene	Lindstrom	Scheer	

Present and not voting, 1:

La Grone

Excused and not voting, 1:

Wayne

The Cavanaugh motion to overrule the Chair failed with 20 ayes, 27 nays, 1 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO75

Bracket until June 6, 2019.

Pending.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 101.** Introduced by Scheer, 19.

WHEREAS, Norfolk High School received a 2018 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, Norfolk High School is home to a diverse student population supported by an outstanding staff focused on providing quality academic and extra-curricular programs in the arts; and

WHEREAS, Norfolk High School's arts programs have developed partnerships with businesses and the community, providing students with the ability to enhance their creative skills and career opportunities; and

WHEREAS, Norfolk High School was one of only two schools to receive this award for 2018; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Norfolk High School for receiving a 2018 NebraskARTS award.

2. That a copy of this resolution be sent to Norfolk High School Principal, Derek Ippensen, on behalf of the school's students, teachers, staff, and parents.

Laid over.

**LEGISLATIVE RESOLUTION 102.** Introduced by Howard, 9.

WHEREAS, Thomas Rogers Kimball was born April 19, 1862 in Linwood, Ohio, moved to Omaha with his family in 1871, and graduated from Omaha High School in 1878; and

WHEREAS, Thomas Rogers Kimball continued his study in architecture and fine arts at the University of Nebraska, the Cowles School of Art in Boston, the Massachusetts Institute of Technology, and the L'Ecole des Beaux Arts in Paris before co-founding the publishing firm Bates and Kimball; and

WHEREAS, Bates and Kimball founded, edited, and published the Technology Architectural Review for the Massachusetts Institute of Technology, a predecessor to The Architectural Review, an industry magazine still in circulation today; and

WHEREAS, after forming the Boston architectural partnership Walker and Kimball, Thomas Rogers Kimball and his wife Annie returned to Nebraska, becoming involved in the Omaha Chamber of Commerce, the Omaha Civic League, the Association of Professional Men's Clubs, and the Omaha Club; and

WHEREAS, Thomas Rogers Kimball first attained national prominence when his partnership was selected as architect in chief of the 1898 Trans-Mississippi and International Exposition in Omaha. He went on to design many notable Nebraska buildings on his own, including St. Cecilia Cathedral in Omaha, the Hall County Courthouse in Grand Island, the Holdrege Public Library, the Omaha World-Herald Building, the Burlington Station in Omaha, and the Omaha Country Club; and

WHEREAS, Thomas Rogers Kimball was recognized for his architectural achievements with election to the American Institute of Architects College of Fellows and was the first Nebraskan to serve as national president of the American Institute of Architects for 1919-1920; and

WHEREAS, Thomas Rogers Kimball's greatest and most enduring contribution to Nebraska was his service as professional advisor for the Capitol Commission, where he administered the construction of the state capitol, retaining his position for 14 years, from 1919 to 1932; and

WHEREAS, Thomas Rogers Kimball pioneered a double-blind competition process to choose an architect for the state capitol, keeping the names of both the jurors and competing architectural firms anonymous, thereby encouraging the nation's top architectural firms to compete without the potential for corruption, political patronage, or cronyism. This process is still used as the standard for architectural competitions; and

WHEREAS, Thomas Rogers Kimball was inducted into the Nebraska Hall of Fame in 2019 by the Nebraska Hall of Fame Commission.

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

1. That the Legislature congratulates the family of Thomas Rogers Kimball on his induction into the Nebraska Hall of Fame.

2. That copies of this resolution be sent to the family of Thomas Rogers Kimball and to the Nebraska Hall of Fame Commission.

Laid over.

**LEGISLATIVE RESOLUTION 103.** Introduced by Lowe, 37; Arch, 14; Cavanaugh, 6; Dorn, 30; Hansen, B., 16; Howard, 9; Murman, 38; Walz, 15; Williams, 36.

**PURPOSE:** The purpose of this interim study is to review staffing concerns, including, but not limited to, staff retention, at the Beatrice State Developmental Center, the Lincoln Regional Center, the Youth Rehabilitation and Treatment Center-Geneva, and the Youth Rehabilitation and Treatment Center-Kearney.

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

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

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

Referred to the Executive Board.

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

Senator Albrecht filed the following amendment to LB595:

AM1510

(Amendments to Standing Committee amendments, AM1164)

1 1. Strike sections 33 and 34 and insert the following new sections:

2 Sec. 33. Section 43-2,108.02, Reissue Revised Statutes of Nebraska,

3 as amended by section 3, Legislative Bill 354, One Hundred Sixth

4 Legislature, First Session, 2019, is amended to read:

5 43-2,108.02 (1) By January 1, 2020, the Supreme Court shall

6 promulgate a written notice that:

7 (a) States in developmentally appropriate language that, for a

8 juvenile described in section 43-2,108.01, the juvenile's record will be

9 automatically sealed if (i) no charges are filed as a result of the

10 determination of the prosecuting attorney, (ii) the charges are

11 dismissed, (iii) the juvenile has satisfactorily completed the diversion,

12 mediation, restorative justice, probation, supervision, or other

13 treatment or rehabilitation program provided under the Nebraska Juvenile

14 Code, or (iv) the juvenile has satisfactorily completed the county court

15 diversion program, probation ordered by the court, or sentence ordered by

16 the court;

17 (b) States in developmentally appropriate language that, if the

18 record is not sealed as provided in subdivision (1)(a) of this section,

19 the juvenile or the juvenile's parent or guardian may file a motion to

20 seal the record with the court when the juvenile reaches the age of

21 majority or six months have passed since the case was closed, whichever

22 occurs sooner; and

23 (c) Explains in developmentally appropriate language what sealing

24 the record means.

25 (2) For a juvenile described in section 43-2,108.01, the county

26 attorney or city attorney shall attach a copy of the notice to any

1 juvenile petition or criminal complaint.

2 Sec. 34. Section 43-2,108.03, Reissue Revised Statutes of Nebraska,

3 as amended by section 4, Legislative Bill 354, One Hundred Sixth

4 Legislature, First Session, 2019, is amended to read:

5 43-2,108.03 (1)(a) If a juvenile described in section 43-2,108.01

6 was taken into custody, arrested, cited in lieu of arrest, or referred

7 for prosecution without citation but no juvenile petition or criminal

8 complaint was filed against the juvenile with respect to the arrest or

9 custody, the county attorney or city attorney shall notify the government

10 agency responsible for the arrest, custody, citation in lieu of arrest,

11 or referral for prosecution without citation that no criminal charge or

12 juvenile court petition was filed. The county attorney or city attorney

13 shall provide written notification to the juvenile that no juvenile  
14 petition or criminal complaint was filed and provide the juvenile with  
15 the notice described in section 43-2,108.02.

16 (b) If a juvenile described in subdivision (1)(a) of this section  
17 discovers that his or her record was not automatically sealed, such  
18 juvenile may notify the county attorney, who shall cause the record to be  
19 sealed by providing the notice required by subdivision (1)(a) of this  
20 section.

21 (2)(a) If the county attorney or city attorney offered and a  
22 juvenile described in section 43-2,108.01 has agreed to pretrial  
23 diversion, ~~or mediation, or restorative justice~~, the county attorney or  
24 city attorney shall notify the government agency responsible for the  
25 arrest or custody when the juvenile has satisfactorily completed the  
26 resulting diversion, ~~or mediation, or restorative justice~~. At the time  
27 the juvenile is offered diversion or mediation, the county attorney or  
28 city attorney shall provide the notice described in section 43-2,108.02  
29 to the juvenile. The county attorney or city attorney shall also provide  
30 written notification to the juvenile of his or her satisfactory or  
31 unsatisfactory completion of diversion, ~~or mediation, or restorative~~  
1 ~~justice~~.

2 (b) If a juvenile who was satisfactorily discharged from diversion,  
3 ~~or mediation, or restorative justice~~ discovers that his or her record was  
4 not automatically sealed, the juvenile may notify the county attorney,  
5 who shall cause the record to be sealed by providing the notice required  
6 by subdivision (2)(a) of this section.

7 (3)(a) If the juvenile was taken into custody, arrested, cited in  
8 lieu of arrest, or referred for prosecution without citation and charges  
9 were filed but the case was dismissed by the court, the court shall seal  
10 the record as set forth in section 43-2,108.05.

11 (b) If a juvenile described in subdivision (3)(a) discovers that his  
12 or her record was not automatically sealed, the juvenile may notify the  
13 court, which shall seal the record as set forth in section 43-2,108.05.

14 (4)(a) If a juvenile described in section 43-2,108.01 has  
15 satisfactorily completed the probation, supervision, or other treatment  
16 or rehabilitation program provided under the Nebraska Juvenile Code or if  
17 the juvenile has satisfactorily completed the probation or sentence  
18 ordered by a county court, the court shall seal the records as set forth  
19 in section 43-2,108.05.

20 (b) If a juvenile described in subdivision (4)(a) discovers that his  
21 or her record was not automatically sealed, the juvenile may notify the  
22 court, which shall seal the record as set forth in section 43-2,108.05.

23 (5) A government agency or court that receives notice under  
24 subdivision (1)(a) or (2)(a) of this section shall, upon such receipt,  
25 immediately seal all records housed at that government agency or court  
26 pertaining to the citation, arrest, record of custody, complaint,  
27 disposition, diversion, ~~or mediation, or restorative justice~~.

28 (6) When a juvenile described in section 43-2,108.01 whose records  
29 have not been automatically sealed as provided in subsection (1), (2),  
30 (3), or (4) of this section reaches the age of majority or six months

31 have passed since the case was closed, whichever occurs sooner, such  
 1 juvenile or his or her parent or guardian may file a motion in the court  
 2 of record asking the court to seal the record pertaining to the offense  
 3 which resulted in disposition, adjudication, or diversion in juvenile  
 4 court or diversion or sentence of the county court. The motion shall set  
 5 forth the facts supporting the argument that the individual who is the  
 6 subject of the juvenile petition or criminal complaint has been  
 7 satisfactorily rehabilitated.

8 2. On page 51, line 11, strike "43-2,108.02, 43-2,108.03, "; in line  
 9 12, strike the second "and"; and in line 13 after the last comma insert  
 10 "and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of  
 11 Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill  
 12 354, One Hundred Sixth Legislature, First Session, 2019".

Senator Friesen filed the following amendment to LB184:

AM1470

(Amendments to Standing Committee amendments, AM1252)

- 1 1. On page 2, line 26, strike "or" and insert "and".
- 2 2. On page 9, line 31, after "and" insert "to".
- 3 3. On page 10, line 1, after "of" insert "a" and strike "poles" and  
 4 insert "pole".
- 5 4. On page 16, line 17; and page 18, line 4, strike "permit" and  
 6 insert "permitting".

Senator Howard filed the following amendment to LB460:

AM1505

(Amendments to Standing Committee amendments, AM1211)

- 1 1. On page 6, line 29; and page 7, lines 4, 5, and 6, strike  
 2 "September" and insert "October".
- 3 2. On page 7, line 31, after "expense" insert "not less than once  
 4 during each five-year period".
- 5 3. On page 8, line 14, after "check" insert "or a background check";  
 6 and in line 16 after "check" insert "or a background check described in  
 7 this subsection"; and in line 30 strike "subject to federal" and insert  
 8 "and information from background checks described in this subsection  
 9 subject to state or federal".
- 10 4. On page 10, line 15, after "checks" insert "not less than once  
 11 during each five-year period".

Senator M. Hansen filed the following amendment to LB464:

AM1440

(Amendments to Standing Committee amendments, AM895)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. The following sums of money, or so much thereof as may be  
 3 required, are hereby appropriated from the General Fund or from other  
 4 funds as indicated in the state treasury, not otherwise appropriated, for  
 5 the payment of tort claims which have been settled by the State Claims  
 6 Board and approved by the district court, which have been settled by the  
 7 Attorney General in the district court, or in which court judgments have

8 been entered and which require the approval of the Legislature for  
 9 payment.  
 10 \$35,000.00 for Tort Claim Number 2016-15465, against the State of  
 11 Nebraska, pay to Donald Johnson and Mark D. Kratina, Mark D. Kratina,  
 12 P.C., 300 Jackson Place, 514 South 13th Street, Omaha, NE 68102-2837, out  
 13 of the General Fund.  
 14 \$11,560.30 for Tort Claim Number 2016-15753, against the State of  
 15 Nebraska, pay to Gerald Burkinshaw and Vincent M. Powers & Associates,  
 16 411 South 3rd Street, Suite 300, Lincoln, NE 68508, out of the State  
 17 Building Revolving Fund.  
 18 The claims included in this section shall be paid through Program  
 19 591 in Agency 65.  
 20 For informational purposes only, the appropriations contained in  
 21 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
22 <u>GENERAL FUND</u>	<u>\$35,000.00</u>
23 <u>CASH FUND</u>	<u>\$11,560.30</u>
24 <u>REVOLVING FUND</u>	<u>\$-0-</u>
25 <u>TOTAL</u>	<u>\$46,560.30</u>

Senator Vargas filed the following amendment to LB478:  
 AM1507

(Amendments to Standing Committee amendments, AM1216)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

Senator Cavanaugh filed the following amendment to LB397:  
 AM1569 is available in the Bill Room.

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

Enrollment and Review

**LEGISLATIVE BILL 583.** Placed on Select File with amendment.  
 ER103

- 1 1. On page 1, line 6, strike "counties" and insert "certain cities,
- 2 counties,".

(Signed) Julie Slama, Chairperson

### **VISITOR(S)**

Visitors to the Chamber were Emery Erikson from Lincoln; Rich Groene and Claudia Stuben, Senator Groene's brother and sister and Senator B. Hansen's uncle and aunt, from Omaha; students from Malcolm Elementary School; students from Beals Elementary School, Omaha; students from Tri County Public Schools, DeWitt; students and teachers from Florence Elementary School, Omaha; and elementary and junior high students with the University of Nebraska-Kearney's string project.

**RECESS**

At 12:08 p.m., on a motion by Senator Arch, 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 Friesen, M. Hansen, Howard, Morfeld, and Stinner who were excused until they arrive.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 378.** Placed on General File.

**LEGISLATIVE BILL 462.** Placed on General File with amendment.  
AM1568

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

2 sections:

3 Section 1. Section 76-2301, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 76-2301 Sections 76-2301 to 76-2331 and sections 4, 6, 8, 9, 10, 15,

6 and 16 of this act shall be known and may be cited as the One-Call

7 Notification System Act.

8 Sec. 2. Section 76-2303, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 76-2303 For purposes of the One-Call Notification System Act, the

11 definitions found in sections 76-2303.01 to 76-2317 and sections 4 and 6

12 of this act shall be used.

13 Sec. 3. Section 76-2305, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 76-2305 Center means a call ~~shall mean the statewide one-call~~

16 ~~notification~~ center which shall have as its principal purpose the

17 statewide receipt and dissemination to participating operators of

18 information on a fair and uniform basis concerning intended excavations

19 by excavators in areas where operators have underground facilities.

20 Sec. 4. Locator means a person who identifies and marks underground

21 facilities for an operator, including a contractor who performs such

22 location services for an operator.

23 Sec. 5. Section 76-2315, Reissue Revised Statutes of Nebraska, is

24 amended to read:

25 76-2315 Person ~~means shall mean~~ an individual, partnership, limited

26 liability company, association, municipality, state, county, political

27 subdivision, utility, joint venture, or corporation and shall include the

1 employer, employee, or contractor of an individual.

2 Sec. 6. Ticket means the compilation of data received by the center  
3 in the notice of excavation and the facility locations provided to the  
4 center and which is assigned a unique identifying number.

5 Sec. 7. Section 76-2319, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 76-2319 (1) The center shall be governed by a board of directors who  
8 shall oversee operation of the center pursuant to rules and regulations  
9 adopted and promulgated by the State Fire Marshal to carry out the One-  
10 Call Notification System Act. The board of directors shall have the  
11 authority to propose rules and regulations which may be adopted and  
12 promulgated pursuant to this section and have such other authority as  
13 provided by rules and regulations adopted and promulgated by the State  
14 Fire Marshal that are not inconsistent with the One-Call Notification  
15 System Act.

16 (2) The board of directors shall also establish a competitive  
17 bidding procedure to select a vendor to provide the notification service,  
18 establish a procedure by which members of the center share the costs of  
19 the center on a fair, reasonable, and nondiscriminatory basis, and do all  
20 other things necessary to implement the purpose of the center. Any  
21 agreement between the center and a vendor for the notification service  
22 may be modified from time to time by the board of directors, and any  
23 agreement shall be reviewed by the board of directors at least once every  
24 three years, with an opportunity to receive new bids if desired by the  
25 board of directors.

26 (3) ~~(2)~~ The rules and regulations adopted and promulgated by the  
27 State Fire Marshal to carry out subsection (2) of this section may  
28 provide for:

29 (a) Any requirements necessary to comply with United States  
30 Department of Transportation programs;

31 (b) The qualifications, appointment, retention, and composition of  
1 the board of directors; and

2 (c) Best practices for the marking, location, and notification of  
3 proposed excavations which shall govern the center, excavators, and  
4 operators of underground facilities.

5 (4) ~~(3)~~ Any rule or regulation adopted and promulgated by the State  
6 Fire Marshal pursuant to subdivision ~~(3)(c)~~ ~~(2)(e)~~ of this section shall  
7 originate with the board of directors.

8 Sec. 8. Any locator acting as a contractor for an operator to  
9 perform location services shall be trained in locator standards and  
10 practices applicable to the industry. The board may review locator  
11 training materials provided by operators, locators, and excavators and  
12 may make recommendations regarding best practices for locators, if deemed  
13 appropriate.

14 Sec. 9. Notwithstanding any other provision of the One-Call  
15 Notification System Act, any plastic or nonmetallic underground  
16 facilities installed underground on or after January 1, 2021, shall be  
17 installed in such a manner as to be locatable, either by mapping or by  
18 use of tracer wire, by the operator for purposes of the act.

19 Sec. 10. The board of directors shall assess the effectiveness of

20 enforcement programs, enforcement actions, and its damage prevention and  
21 public awareness programs and make a report to the Governor and the  
22 Legislature no later than December 1, 2021, and by December 1 every odd-  
23 numbered year thereafter. The report to the Legislature shall be made  
24 electronically.

25 Sec. 11. Section 76-2322, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 76-2322 An excavator shall serve notice of intent to excavate upon  
28 the center by submitting a locate request using a method provided by the  
29 center. The center shall inform the excavator of all operators to whom  
30 such notice will be transmitted and shall promptly transmit such notice  
31 to every operator having an underground facility in the area of intended  
1 excavation. The notice shall be transmitted to operators and excavators  
2 as a ticket. The center shall assign an identification number to each  
3 notice received, which number shall be evidenced on the ticket.

4 Sec. 12. Section 76-2323, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 76-2323 (1) Upon receipt of the information contained in the notice  
7 pursuant to section 76-2321, an operator shall advise the excavator of  
8 the approximate location of underground facilities in the area of the  
9 proposed excavation by marking or identifying the location of the  
10 underground facilities with stakes, flags, paint, or any other clearly  
11 identifiable marking or reference point and shall indicate if the  
12 underground facilities are subject to section 76-2331. The location of  
13 the underground facility given by the operator shall be within a strip of  
14 land eighteen inches on either side of the marking or identification plus  
15 one-half of the width of the underground facility. If in the opinion of  
16 the operator the precise location of a facility cannot be determined and  
17 marked as required, the operator shall provide all pertinent information  
18 and field locating assistance to the excavator at a mutually agreed to  
19 time. The location shall be marked or identified using color standards  
20 prescribed by the center. The operator shall respond no later than two  
21 business days after receipt of the information in the notice or at a time  
22 mutually agreed to by the parties.

23 (2) The marking or identification shall be done in a manner that  
24 will last for a minimum of five business days on any nonpermanent surface  
25 and a minimum of ten business days on any permanent surface. If the  
26 excavation will continue for longer than five business days, the operator  
27 shall remark or reidentify the location of the underground facility upon  
28 the request of the excavator. The request for remarking or  
29 reidentification shall be made through the center.

30 (3) An operator who determines that such operator # does not have  
31 any underground facility located in the area of the proposed excavation  
1 shall notify the ~~center excavator~~ of the determination prior to the date  
2 of commencement of the excavation, or prior to two full business days  
3 after transmittal of the ticket, whichever occurs sooner. All ticket  
4 responses made under this subsection shall be transmitted to the operator  
5 by the center.

6 Sec. 13. Section 76-2324, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 76-2324 An excavator who fails to give notice of an excavation  
9 pursuant to section 76-2321 or who fails to comply with section 76-2331  
10 and who damages an underground facility by such excavation shall be  
11 strictly liable to the operator of the underground facility for the cost  
12 of all repairs to the underground facility. An excavator who gives the  
13 notice and who damages an underground facility shall be liable to the  
14 operator for the cost of all repairs to the underground facility unless  
15 the damage to the underground facility was due to the operator's failure  
16 to comply with section 76-2323. An operator who fails to comply with  
17 section 76-2323 shall be liable to the excavator for actual damages  
18 caused by such failure. An excavator who fails to give notice of an  
19 excavation pursuant to section 76-2321 and who damages an underground  
20 facility that is operated by the excavator shall not be in violation of  
21 the One-Call Notification System Act.

22 In addition to any liability provided in this section an operator of  
23 a damaged underground facility shall be entitled to any other remedies  
24 available at law or in equity provided by statute or otherwise.

25 Sec. 14. Section 76-2325, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 76-2325. (1) Any person who violates the provisions of section  
28 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 or  
29 section 8 or 9 of this act shall be subject to a civil penalty as  
30 follows:

31 (a) (1) For a violation by an excavator or an operator related to a  
1 gas or hazardous liquid underground pipeline facility or a fiber optic  
2 telecommunications facility, an amount not to exceed ten thousand dollars  
3 for each violation for each day the violation persists, up to a maximum  
4 of five hundred thousand dollars; and

5 (b) (2) For a violation by an excavator or an operator related to  
6 any other underground facility, an amount not to exceed five thousand  
7 dollars for each day the violation persists, up to a maximum of fifty  
8 thousand dollars.

9 (2) An action to recover a civil penalty shall be brought by the  
10 Attorney General or a prosecuting attorney on behalf of the State of  
11 Nebraska in any court of competent jurisdiction of this state. The trial  
12 shall be before the court, which shall consider the nature,  
13 circumstances, and gravity of the violation and, with respect to the  
14 person found to have committed the violation, the degree of culpability,  
15 the absence or existence of prior violations, whether the violation was a  
16 willful act, any good faith attempt to achieve compliance, and such other  
17 matters as justice may require in determining the amount of penalty  
18 imposed. All penalties shall be remitted to the State Treasurer for  
19 distribution in accordance with Article VII, section 5, of the  
20 Constitution of Nebraska.

21 Sec. 15. The Attorney General shall make an annual report to the  
22 Legislature, the State Fire Marshal, and the board by each March 15 on  
23 the number of complaints filed and the number of such complaints  
24 prosecuted under section 76-2325 during the previous calendar year. The  
25 report to the Legislature shall be made electronically.

26 Sec. 16. The State Fire Marshal may, by rule and regulation, define

27 occurrences relating to damage of an underground facility that creates an  
 28 emergency condition that requires an excavator to immediately notify an  
 29 operator or a locator, if applicable, and the center regarding the  
 30 location and extent of damage to an underground facility.

31 Sec. 17. Section 86-101, Reissue Revised Statutes of Nebraska, is  
 1 amended to read:

2 86-101 Sections 86-101 to 86-165 and sections 19 and 20 of this act  
 3 shall be known and may be cited as the Nebraska Telecommunications  
 4 Regulation Act.

5 Sec. 18. Section 86-103, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 86-103 For purposes of the Nebraska Telecommunications Regulation  
 8 Act, unless the context otherwise requires, the definitions found in  
 9 sections 86-103.01 to 86-121 and sections 19 and 20 of this act apply.

10 Sec. 19. Internet-protocol-enabled service or IP-enabled service  
 11 means any service, capability, functionality, or application provided  
 12 using Internet protocol, or any successor protocol, that enables a  
 13 service user to send or receive a communication in Internet protocol  
 14 format, including, but not limited to, voice, data, or video.

15 Sec. 20. Voice over Internet protocol service means an  
 16 interconnected voice over Internet protocol service as defined in 47  
 17 C.F.R. part 9, as such regulations existed on January 1, 2019.

18 Sec. 21. Section 86-124, Reissue Revised Statutes of Nebraska, is  
 19 amended to read:

20 86-124 (1) The commission shall not regulate the following:

21 (a) ~~(1)~~ One-way broadcast or cable television transmission of  
 22 television or radio signals; ~~and~~

23 (b) ~~(2)~~ Mobile radio services, radio paging services, and wireless  
 24 telecommunications service; -

25 (c) Interexchange services; and

26 (d) Internet-protocol-enabled service and voice over Internet  
 27 protocol service, including rates, service or contract terms, conditions,  
 28 or requirements for entry for such service.

29 (2) This section shall not affect or modify:

30 (a) The enforcement of criminal or civil laws, including, but not  
 31 limited to, laws concerning consumer protection and unfair or deceptive  
 1 trade practices which apply generally to the conduct of business;

2 (b)(i) Any entity's obligations or rights or commission authority  
 3 under section 86-122 and under 47 U.S.C. 251 and 252, as such sections  
 4 existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,  
 5 service quality standards, interconnection agreements, or other  
 6 obligations for which the commission has jurisdiction under state or  
 7 federal law;

8 (c) Any requirement to contribute to any fund administered by the  
 9 commission authorized by the Enhanced Wireless 911 Services Act or the  
 10 Nebraska Telecommunications Universal Service Fund Act;

11 (d) Any commission jurisdiction over intrastate switched access  
 12 rates, terms, and conditions, including the resolution of disputes  
 13 arising from, and implementation of federal and state law with respect  
 14 to, intercarrier compensation;

15 (e) The eligibility and requirements for the receipt of funds from  
16 the Nebraska Telecommunications Universal Service Fund and the rules,  
17 regulations, and orders under the Nebraska Telecommunications Universal  
18 Service Fund Act or the receipt of funds from the federal universal  
19 service fund, regardless of the unregulated status of the provider's  
20 service under this section; and

21 (f) Any entity's rights and obligations with respect to (i)  
22 registration under section 86-125, (ii) the use of public streets, roads,  
23 highways, and rights-of-way, or (iii) a certificate of public convenience  
24 and necessity or a permit.

25 Sec. 22. Section 86-144, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 86-144 ~~Telecommunications (1)(a) Except as provided in subdivision~~  
28 ~~(b) of this subsection, in an exchange in which local competition does~~  
29 ~~not exist, telecommunications companies shall file rate lists which, for~~  
30 ~~all telecommunications service. The rate lists except for basic local~~  
31 ~~exchange rates, shall be effective after ten days' notice to the~~  
1 ~~commission.(b) Notwithstanding any other provision of Chapter 86, a~~  
2 ~~telecommunications company shall not be required to file rate lists,~~  
3 ~~tariffs, or contracts for any telecommunications service, including local~~  
4 ~~exchange and interexchange services, provided as a business service. Upon~~  
5 ~~written notice to the commission, a telecommunications company may~~  
6 ~~withdraw any rate list, tariff, or contract not required to be filed~~  
7 ~~under this section subdivision if the telecommunications company posts~~  
8 ~~the rates, terms, and conditions of its telecommunications service on the~~  
9 ~~company's web site.~~

10 ~~(2) In an exchange in which local competition does not exist, basic~~  
11 ~~local exchange rates may be increased by a telecommunications company~~  
12 ~~only after ninety days' notice to all affected subscribers. Such notice~~  
13 ~~of increase shall include (a) the reasons for the rate increase, (b) a~~  
14 ~~description of the affected telecommunications service, (c) an~~  
15 ~~explanation of the right of the subscriber to petition the commission for~~  
16 ~~a public hearing on the rate increase, (d) a list of exchanges which are~~  
17 ~~affected by the proposed rate increase, and (e) the dates, times, and~~  
18 ~~places for the public informational meetings required by this section.~~

19 ~~(3) A telecommunications company which proposes to increase its~~  
20 ~~basic local exchange rates shall hold at least one public informational~~  
21 ~~meeting in each public service commissioner district as established by~~  
22 ~~section 75-101.01 in which there is an exchange affected by the proposed~~  
23 ~~rate increase.~~

24 Sec. 23. Original sections 76-2301, 76-2303, 76-2305, 76-2315,  
25 76-2319, 76-2322, 76-2323, 76-2324, 76-2325, 86-101, 86-103, 86-124, and  
26 86-144, Reissue Revised Statutes of Nebraska, are repealed.

27 Sec. 24. The following section is outright repealed: Section  
28 76-2316, Reissue Revised Statutes of Nebraska.

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 657A.** Title read. Considered.

Senator Lowe moved for a call of the house. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

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

Voting in the affirmative, 41:

Arch	Crawford	Hilkemann	McCollister	Vargas
Blood	DeBoer	Hughes	McDonnell	Walz
Bolz	Dorn	Hunt	Morfeld	Wayne
Bostelman	Friesen	Kolowski	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Brewer	Halloran	La Grone	Pansing Brooks	
Briese	Hansen, B.	Lathrop	Quick	
Cavanaugh	Hansen, M.	Lindstrom	Scheer	
Chambers	Hilgers	Linehan	Slama	

Voting in the negative, 4:

Albrecht	Clements	Erdman	Lowe
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Present and not voting, 1:

Groene

Excused and not voting, 3:

Gragert	Howard	Stinner
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Advanced to Enrollment and Review Initial with 41 ayes, 4 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 209.** Senator Hunt renewed her motion, MO71, found on page 1333, to recommit to the Judiciary Committee.

Senator Chambers offered the following motion:

MO76

Bracket until June 6, 2019.

Pending.

**MESSAGE(S) FROM THE GOVERNOR**

May 1, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 23e, 31e, 31Ae, 180, 222, and 252 were received in my office on April 26, 2019.

Engrossed Legislative Bills 304, 428, 445, 556e, 556Ae, 638, 663, and 698e were received in my office on April 29, 2019.

These bills were signed and delivered to the Secretary of State on May 1, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 104.** Introduced by Walz, 15; Bolz, 29; Cavanaugh, 6; Friesen, 34; Halloran, 33; Kolterman, 24; Linehan, 39; McCollister, 20; Quick, 35; Stinner, 48; Vargas, 7; Wishart, 27.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

WHEREAS, the report indicates that the Department of Health and Human Services had known about multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, along with multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been

shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. The State-Licensed Care Facilities Special Investigative Committee of the Legislature shall limit the scope of its inquiry to assisted living facilities where many of the residents are diagnosed with a mental illness. The oversight committee shall also examine the closures of the mental health centers known as Life Quest, located in Palmer and Blue Hill.

3. The State-Licensed Care Facilities Special Investigative Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such facilities, the effectiveness of regulation and licensure by the Division of

Public Health in providing oversight, and how the Department of Health and Human Services implements and administers its behavioral health services through the behavioral health regions to address the needs of this vulnerable population. The committee shall also investigate what steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, namely, the reasons that assisted living facilities are the primary residential options for individuals with severe and persistent mental illness and alternatives such as permanent supportive housing and services do not exist. The committee shall also investigate whether the department is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the ADA. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

4. The State-Licensed Care Facilities Special Investigative Committee of the Legislature shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2019.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR104 was referred to the Reference Committee.

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

**LEGISLATIVE RESOLUTION 105.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15.

**PURPOSE:** The purpose of this interim study is to investigate the eligibility requirements applied to children for the home and community-based waiver for aged and disabled persons under the Medical Assistance Act.

**WHEREAS,** the purpose of the aged and disabled waiver is to provide care in a community-based setting to adults and children with disabilities who would otherwise require such care in a nursing facility and who do not traditionally qualify for the Medicaid program; and

**WHEREAS,** to be eligible under the aged and disabled waiver a person must first have a disability determination. If there is a disability determination, the person is then evaluated by the Department of Health and Human Services to see if they meet a specified institutional level of care; and

**WHEREAS,** prior to 2015, the Department of Health and Human Services used a tool for determining the institutional level of care for children that was not promulgated in rules or regulations for use as an evaluation tool and that was different than the level of care determination for adults; and

**WHEREAS,** in 2015, the Nebraska Supreme Court in *Merie B. on behalf of Brayden O. v. State*, 290 Neb. 919 (2015), found that the children's

institutional level of care tool the department was using was improper in part because the requirements had not been properly promulgated. There already existed detailed eligibility requirements for an institutional level of care which applied to both adults and children in 471 Neb. Admin. Code 12. Therefore, the Supreme Court instructed the Department of Health and Human Services to use the eligibility requirements that had already been properly promulgated; and

WHEREAS, the Nebraska Supreme Court also found the children's institutional level of care tool the department had been using was arbitrary and overly restrictive. The court found that the standards used by the department for a children's level of care resulted in the unreasonable exclusion of profoundly disabled children. The department followed the ruling of the court and used the existing level of care promulgated in 471 Neb. Admin. Code 12 to determine eligibility for both adults and children from 2015 through 2018; and

WHEREAS, in December 2018, the department promulgated rules and regulations to codify the pre-2015 children's institutional level of care requirements, which the Nebraska Supreme Court had found to be arbitrary and overly restrictive. The department began assessing the eligibility of children for the aged and disabled waiver using these more restrictive regulations in January 2019. Children with disabilities currently admitted under the waiver have been deemed ineligible under the new standards and have lost needed services.

The issues addressed by this interim study shall include, but not be limited to:

(1) Current eligibility requirements for the Medical Assistance Act under the aged and disabled waiver, including the institutional level of care determination applied to children;

(2) The independent evaluation of the children's institutional level of care eligibility requirements being conducted by the Department of Health and Human Services;

(3) Effects of the eligibility requirements and the resulting loss of coverage;

(4) The benefits of providing disabled children early intervention services and therapies which could result in an improved quality of life and possibly result in less dependence on services as adults; and

(5) The best use of resources in the medical assistance program to provide quality of life and care for children with disabilities.

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

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

2. That the Health and Human Services Committee shall conduct the study and investigation pursuant to Rule 3 of the Rules of the Nebraska Unicameral Legislature.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 106.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors. Such a review is required by section 84-948 and this study shall fulfill the requirements of the Occupational Board Reform Act. The study shall include an examination of the transition of duties under the Boiler Inspection Act from the Department of Labor to the State Fire Marshall.

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

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

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

Referred to the Executive Board.

#### **SPEAKER'S MAJOR PROPOSAL**

April 30, 2019

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Scheer's request that LB294 be designated as a 2019 Speaker Major Proposal.

Respectfully,  
(Signed) Senator Mike Hilgers  
Chair, Executive Board

C: Speaker Jim Scheer

**COMMITTEE REPORT(S)**

Health and Human Services

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

Roger A. Wells - Nebraska Rural Health Advisory Commission

Aye: 7 Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

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

Frances Beurivage - Commission for the Deaf and Hard of Hearing  
Sandra Shaw - Commission for the Deaf and Hard of Hearing

Aye: 7 Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 209.** The Chambers motion, MO76, found in this day's Journal, to bracket until June 6, 2019, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 657A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Senator Wishart filed the following amendment to LB209:

FA63

Amend AM1432

On page 7, line 5, strike "Materials" and insert "Medically accurate materials" On page 8, line 5, after "site" insert "medically accurate".

Senator Wishart filed the following amendment to LB209:

FA64

Amend AM1432

On page 7, line 5, strike "Materials" and insert "Medically accurate materials" On page 8, line 5, after "site" insert "medically accurate".

Senator Walz filed the following amendment to LB570:  
AM1480

(Amendments to E&R amendments, ER69)

- 1 1. On page 3, line 31, strike the new matter.
- 2 2. On page 4, strike lines 1 through 4, show the old matter as
- 3 stricken, and insert "shall, in collaboration with the Department of
- 4 Correctional Services, the Department of Economic Development, the
- 5 Department of Labor, the Department of Transportation, the Department of
- 6 Veterans' Affairs, the State Department of Education, the University of
- 7 Nebraska, and the Equal Opportunity Commission,"; in lines 8 through 19
- 8 strike the new matter and insert "chief executive officer of the
- 9 Department of Health and Human Services"; and in line 20 strike "as".
- 10 3. On page 5, line 2, after the comma insert "the Public Service
- 11 Commission,"; and in line 29 strike "November 1" and insert "December
- 12 15".

Senator Wishart filed the following amendment to LB610:  
AM1554 is available in the Bill Room.

Senator Wayne filed the following amendment to LB657:  
AM1541 is available in the Bill Room.

#### **CONFLICT OF INTEREST STATEMENT**

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

#### **VISITOR(S)**

Visitors to the Chamber were David and Ann Bruntz from Friend; Representative Isaac Latteral from the South Dakota House of Representatives and Neal Dutenhoffer from Kearney; students from Edison Elementary School, Omaha; Virginia Hill from Manassas, VA; and students from Amherst Public School.

The Doctor of the Day was Dr. Alexis Erbst from Omaha.

#### **ADJOURNMENT**

At 4:32 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTIETH DAY - MAY 2, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 2, 2019

**PRAYER**

The prayer was offered by Father Brian Connor, North American Martyrs Catholic Church, Lincoln.

**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 Pansing Brooks and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 1, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Benson, Brandon  
Convention of States Action (Withdrawn 04/30/2019)  
Cooley, Bethanne  
CTIA - The Wireless Association  
Davidson Tribbs, Emma  
Secure Democracy (Withdrawn 04/30/2019)  
Kelley Plucker, LLC  
Bird Rides, Inc. (Withdrawn 05/01/2019)  
Lautenbaugh, Scott  
Wolf-PAC  
Phillippi, Patrick

The National Council for Behavioral Health (Withdrawn 04/30/2019)  
Wheeler, Douglas A.  
New York Life Insurance Company (Withdrawn 04/29/2019)  
Winston, Kenneth C.  
Nebraska Interfaith Power & Light

### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR93 was adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR93.

### **ANNOUNCEMENT**

The Chair announced the birthday of Senator Slama.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 6.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2018; to change residency requirements for college tuition purposes for spouses or legal dependents of persons on active duty with the armed services as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Wayne
Brandt	Friesen	Hughes	Morfeld	Williams
Brewer	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB130 with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 130.**

A BILL FOR AN ACT relating to building construction standards; to amend sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code; to provide radon resistant new construction standards; to provide, change, and eliminate definitions; to restate intent; to eliminate a task force; to provide reporting requirements for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	Chambers	Hansen, B.	Lindstrom	Quick
Blood	Crawford	Hansen, M.	Linehan	Scheer
Bolz	DeBoer	Hilkemann	McCollister	Slama
Bostelman	Dorn	Howard	McDonnell	Stinner
Brandt	Friesen	Hunt	Morfeld	Walz
Brewer	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Murman	Williams
Cavanaugh	Halloran	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 4:

Clements	Erdman	Groene	Lowe
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Present and not voting, 4:

Arch	Hilgers	Hughes	La Grone
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Excused and not voting, 1:

Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 130A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	Chambers	Hansen, B.	Lindstrom	Quick
Blood	Crawford	Hansen, M.	Linehan	Scheer
Bolz	DeBoer	Hilkemann	McCollister	Slama
Bostelman	Dorn	Howard	McDonnell	Stinner
Brandt	Friesen	Hunt	Morfeld	Walz
Brewer	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Murman	Williams
Cavanaugh	Halloran	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 4:

Clements	Erdman	Groene	Lowe
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Present and not voting, 4:

Arch            Hilgers            Hughes            La Grone

Excused and not voting, 1:

Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB138 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 138.**

A BILL FOR AN ACT relating to government; to amend section 60-3,102, Reissue Revised Statutes of Nebraska, and sections 55-601, 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,122, 60-3,122.02, 60-3,122.03, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to state intent; to create a veterans' program coordinator in the Department of Labor and provide duties; to provide duties for the Department of Veterans' Affairs and the Department of Labor related to veterans employment; to add a member to the Commission on Military and Veteran Affairs; to change and eliminate certain armed services-related license plate fees; to eliminate obsolete provisions; to provide for additional Military Honor Plates and Support Our Troops Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 227.**

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska; to change nuisance provisions and provide for a limitation on nuisance actions; to provide for applicability; to update an act reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, M.	Lowe	Stinner
Arch	Crawford	Hilgers	McCollister	Vargas
Blood	DeBoer	Hilkemann	McDonnell	Walz
Bolz	Dorn	Hughes	Morfeld	Wayne
Bostelman	Erdman	Kolowski	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	La Grone	Pansing Brooks	
Briese	Groene	Lathrop	Quick	
Cavanaugh	Halloran	Lindstrom	Scheer	
Chambers	Hansen, B.	Linehan	Slama	

Voting in the negative, 2:

Howard      Hunt

Present and not voting, 1:

Gragert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB237 with 34 ayes, 7 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 237.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-5601, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax collection fees; to authorize the use of certain fees for revenue enforcement; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Hansen, M.	Lathrop	Scheer
Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	DeBoer	Hilkemann	Linehan	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Murman	Williams
Briese	Groene	Kolterman	Pansing Brooks	Wishart
Cavanaugh	Halloran	La Grone	Quick	

Voting in the negative, 4:

Clements	Erdman	Low	Moser
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Present and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 237A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hilgers	Lindstrom	Slama
Arch	Crawford	Hilkemann	Linehan	Stinner
Blood	DeBoer	Howard	McCollister	Vargas
Bolz	Dorn	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	Kolterman	Pansing Brooks	Wishart
Briese	Halloran	La Grone	Quick	
Cavanaugh	Hansen, M.	Lathrop	Scheer	

Voting in the negative, 5:

Clements	Erdman	Groene	Lowe	Moser
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Present and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB356 with 34 ayes, 7 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 356.**

A BILL FOR AN ACT relating to government; to amend sections 37-811 and 60-3,127, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,100, 60-3,104, 60-3,104.01, 60-3,119, 60-3,122.03, 60-3,122.04, 60-3,128, 60-3,130.04, 60-3,226, 60-3,227,

60-3,230, 60-3,231, 60-3,232, 60-3,233, 60-3,234, and 60-3,235, Revised Statutes Cumulative Supplement, 2018; to provide funding for the Wildlife Conservation Fund; to change provisions relating to fee distribution, fee amounts, and semitrailers under the Motor Vehicle Registration Act; to provide powers and duties to the Department of Motor Vehicles regarding discontinuance of certain license plates as prescribed; to provide for Wildlife Conservation Plates, Prostate Cancer Awareness Plates, and Sammy's Superheroes license plates; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 6, 130, 130A, 138, 227, 237, 237A, and 356.

#### **MOTION(S) - Return LB405 to Select File**

Senator Lowe moved to return LB405 to Select File for the following specific amendment:

FA65

Strike the enacting clause.

#### **SPEAKER SCHEER PRESIDING**

Senator Lowe withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 405.**

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to building and energy codes; to adopt updates to building and energy codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Blood	Dorn	Hunt	McCollister	Stinner
Brandt	Geist	Kolowski	McDonnell	Vargas
Cavanaugh	Gragert	Kolterman	Morfeld	Walz
Chambers	Hansen, M.	Lathrop	Pansing Brooks	Wayne
Crawford	Hilkemann	Lindstrom	Quick	Williams
DeBoer	Howard	Linehan	Scheer	Wishart

Voting in the negative, 11:

Albrecht	Erdman	Halloran	Murman
Bostelman	Friesen	Lowe	Slama
Clements	Groene	Moser	

Present and not voting, 7:

Arch	Briese	Hilgers	La Grone
Brewer	Hansen, B.	Hughes	

Excused and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 496.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-916.01, 28-919, 28-922, 29-1912, 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924, Reissue Revised Statutes of Nebraska; to

change penalties for tampering with witnesses or informants, jury tampering, and tampering with physical evidence; to change provisions relating to discovery in criminal cases; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 524.**

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 79-1074, Reissue Revised Statutes of Nebraska, and section 13-509, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to annexations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 585.**

A BILL FOR AN ACT relating to renewable fuels; to define terms; to create the Renewable Fuel Infrastructure Program; to provide for grants; to create a fund; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 616.**

A BILL FOR AN ACT relating to state highways and bridges; to amend section 39-1349, Reissue Revised Statutes of Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement, 2018; to provide an interest payment exception for certain construction contracts as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 693.**

A BILL FOR AN ACT relating to telecommunications; to prohibit the selling, renting, or conveying of telephone numbers as prescribed; to adopt the Neighbor Spoofing Protection Act; and to provide a civil penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB177**

Senator Briese withdrew his amendment, AM1428, found on page 1244, to LB177.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.14, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Arch	Dorn	Hughes	McCollister	Scheer
Blood	Friesen	Hunt	McDonnell	Stinner
Bolz	Geist	Kolowski	Morfeld	Vargas
Brandt	Gragert	Kolterman	Moser	Walz
Cavanaugh	Hansen, M.	Lathrop	Murman	Wayne
Crawford	Hilkemann	Lindstrom	Pansing Brooks	Williams
DeBoer	Howard	Linehan	Quick	Wishart

Voting in the negative, 8:

Albrecht	Clements	Groene	Hansen, B.
Bostelman	Erdman	Halloran	Lowe

Present and not voting, 6:

Brewer	Chambers	La Grone
Briese	Hilgers	Slama

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 405, 496, 524, 585, 616, 693, and 177.

#### **SELECT FILE**

**LEGISLATIVE BILL 411.** ER52, found on page 917, was adopted.

Senator Brewer offered his amendment, AM1379, found on page 1261.

The Brewer amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Senator Linehan offered the following amendment:  
AM1577

(Amendments to AM1379)

- 1 1. Strike section 70 and insert the following new section:
- 2 Sec. 8. Section 23-2507, Revised Statutes Cumulative Supplement,
- 3 2018, is amended to read:
- 4 ~~23-2507~~ (1) The commission may prescribe the following: (a) General
- 5 employment policies and procedures; (b) regulations for recruiting,
- 6 examination, and certification of qualified applicants for employment and
- 7 the maintenance of registers of qualified candidates for employment for
- 8 all employees governed by the County Civil Service Commission Act
- 9 ~~sections 23-2501 to 23-2516~~; (c) a system of personnel records containing
- 10 general data on all employees and standards for the development and
- 11 maintenance of personnel records to be maintained within the offices
- 12 governed by the act sections 23-2501 to 23-2516; (d) regulations
- 13 governing such matters as hours of work, promotions, transfers,
- 14 demotions, probation, terminations, and reductions in force; (e)
- 15 regulations for use by all offices governed by the act sections 23-2501
- 16 ~~to 23-2516~~ relating to such matters as employee benefits, vacation, sick
- 17 leave, and holidays.
- 18 (2) The commission shall require department heads to provide
- 19 sufficient criteria to enable the commission to properly conduct
- 20 employment examinations.
- 21 (3) The commission shall require department heads to supply to the

22 commission position classification plans, job descriptions, and job  
23 specifications.

24 (4) Individual personnel records shall be available for inspection  
25 only by the employee involved, the employee's department head, and such  
26 other persons as the commission shall authorize.

1 (5) The commission shall have such other powers as are necessary to  
2 effectuate the purposes of ~~the act sections 23-2501 to 23-2516.~~

3 (6) All acts of the commission pursuant to the authority conferred  
4 in this section shall be binding on all county department heads governed  
5 by the County Civil Service Commission Act sections 23-2501 to 23-2516.

6 2. On page 1, line 2, strike "17" and insert "18".

7 3. On page 5, line 19, strike "May 21, 1971", show as stricken, and  
8 insert "the operative date of this section".

9 4. On page 7, line 20, strike "10" and insert "11" and strike "11"  
10 and insert "12".

11 5. On page 13, line 19, strike "20" and insert "19"; and in line 21  
12 strike "68, and 70" and insert "67, and 69".

13 6. On page 14, line 2, after the first comma insert "23-2507,".

14 7. Renumber the remaining sections accordingly.

The Linehan amendment was adopted with 37 ayes, 0 nays, and 12 present  
and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 570.** ER69, found on page 1114, was adopted.

Senator Walz offered her amendment, AM1480, found on page 1380.

The Walz amendment was adopted with 38 ayes, 0 nays, and 11 present and  
not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 570A.** ER70, found on page 1117, was adopted.

Senator Howard offered her amendment, AM1249, found on page 1118.

The Howard amendment was adopted with 33 ayes, 0 nays, and 16 present  
and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for  
Engrossment.

**LEGISLATIVE BILL 155.** ER89, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 460.** ER91, found on page 1330, was adopted.

Senator Howard withdrew her amendment, AM1505, found on page 1365.

Senator Howard offered the following amendment:

AM1592

(Amendments to Standing Committee amendments, AM1211)

- 1 1. On page 6, line 29; and page 7, lines 4, 5, and 6, strike
- 2 "September" and insert "October".
- 3 2. On page 7, line 31, after "expense" insert "not less than once
- 4 during each five-year period".
- 5 3. On page 8, line 14, after "check" insert "or a background check";
- 6 in line 16 after "check" insert "or a background check described in this
- 7 subsection"; and in line 30 strike "subject to federal" and insert "and
- 8 information from background checks described in this subsection subject
- 9 to state or federal".
- 10 4. On page 10, line 15, after "checks" insert "not less than once
- 11 during each five-year period".

The Howard amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 460A.** Senator Howard offered the following amendment:

AM1586

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. There is hereby appropriated \$12,480 from federal funds
- 4 for FY2020-21 to the Department of Health and Human Services, for Program
- 5 33, to aid in carrying out the provisions of Legislative Bill 460, One
- 6 Hundred Sixth Legislature, First Session, 2019.
- 7 No expenditures for permanent and temporary salaries and per diems
- 8 for state employees shall be made from funds appropriated in this
- 9 section.
- 10 Sec. 2. There is hereby appropriated (1) \$1,469,893 from federal
- 11 funds for FY2019-20 and (2) \$1,959,858 from federal funds for FY2020-21
- 12 to the Department of Health and Human Services, for Program 347, to aid
- 13 in carrying out the provisions of Legislative Bill 460, One Hundred Sixth
- 14 Legislature, First Session, 2019.
- 15 No expenditures for permanent and temporary salaries and per diems
- 16 for state employees shall be made from funds appropriated in this
- 17 section.

18 Sec. 3. There is hereby appropriated (1) \$509,553 from the General  
19 Fund and \$637,016 from the Nebraska State Patrol Cash Fund for FY2019-20  
20 and (2) \$205,853 from the General Fund and \$624,295 from the Nebraska  
21 State Patrol Cash Fund for FY2020-21 to the Nebraska State Patrol, for  
22 Program 100, to aid in carrying out the provisions of Legislative Bill  
23 460, One Hundred Sixth Legislature, First Session, 2019.  
24 Total expenditures for permanent and temporary salaries and per  
25 diems from funds appropriated in this section shall not exceed \$486,026  
26 for FY2019-20 or \$486,026 for FY2020-21.  
27 Sec. 4. Since an emergency exists, this act takes effect when passed  
1 and approved according to law.

The Howard amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 184.** ER101, found on page 1341, was adopted.

Senator Geist offered the Friesen amendment, AM1470, found on page 1365.

The Friesen amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 478.** ER94, found on page 1342, was adopted.

Senator Vargas offered his amendment, AM1507, found on page 1366.

The Vargas amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 595.** ER95, found on page 1342, was adopted.

Senator Albrecht offered her amendment, AM1510, found on page 1363.

The Albrecht amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 96.** ER93, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 418.** ER99, found on page 1343, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 560.** ER97, found on page 1343, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 86.** ER98, found on page 1343, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 657.** ER87, found on page 1206, was adopted.

Senator Wayne offered his amendment, AM1541, found on page 1380.

The Wayne amendment was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

Senator Lowe offered the following amendment:  
AM1585

(Amendments to AM1541)

1 1. On page 16, line 4, strike "may" and insert "shall"; and in line  
2 5 strike "and may" and insert "or shall".

The Lowe amendment lost with 2 ayes, 19 nays, 24 present and not voting, and 4 excused and not voting.

Senator Lowe offered the following amendment:  
AM1583

(Amendments to AM1541)

1 1. On page 4, line 6; page 9, line 4; and page 15, line 10, strike  
2 "may" and insert "shall".

The Lowe amendment lost with 1 aye, 23 nays, 20 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 657A.** Advanced to Enrollment and Review for Engrossment.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 2, 2019, at 11:45 a.m. were the following: LBs 6, 130, 130A, 138, 227, 237, 237A, 356, 405, 496, 524, 585, 616, 693, and 177.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 149.** Placed on Select File with amendment.  
ER104

1 1. In the Standing Committee amendments, AM 901, on page 10, line 2,  
2 after the last comma insert "and"; and in line 3 strike "71-5716,  
3 71-5718, and 71-5727,".  
4 1. On page 1, line 1, strike "vapor products" and insert "tobacco";  
5 in line 3 strike "71-5716, 71-5718, and 71-5727" and insert "and  
6 28-1429.03"; strike beginning with "and" in line 4 through "liquids" in  
7 line 6 and insert "provisions relating to the legal age to buy or use,  
8 and the sale and use of, tobacco or electronic nicotine delivery systems  
9 or alternative nicotine products"; in line 7 strike "vapor products" and  
10 insert "electronic nicotine delivery systems"; and strike beginning with  
11 the first "to" in line 8 through the semicolon in line 9.

**LEGISLATIVE BILL 532.** Placed on Select File.

**LEGISLATIVE BILL 532A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 289.** Placed on General File with amendment.  
AM1572 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Appropriations

**LEGISLATIVE BILL 295.** Placed on General File.

**LEGISLATIVE BILL 299.** Placed on General File.

**LEGISLATIVE BILL 293.** Placed on General File with amendment.  
AM1503 is available in the Bill Room.

**LEGISLATIVE BILL 294.** Placed on General File with amendment.  
AM1329 is available in the Bill Room.

**LEGISLATIVE BILL 296.** Placed on General File with amendment. AM1481 is available in the Bill Room.

**LEGISLATIVE BILL 297.** Placed on General File with amendment. AM1482 is available in the Bill Room.

**LEGISLATIVE BILL 298.** Placed on General File with amendment. AM1498 is available in the Bill Room.

(Signed) John Stinner, Chairperson

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 86A.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 600A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

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

Senator Bolz filed the following amendment to LB600:  
AM1575 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB300A:  
AM1579

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

3 Section 1. There is hereby appropriated (1) \$39,773 from the  
4 General Fund for FY2019-20 and (2) \$81,324 from the General Fund for  
5 FY2020-21 to the Supreme Court, for Program 3, to aid in carrying out the  
6 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First  
7 Session, 2019.

8 Total expenditures for permanent and temporary salaries and per  
9 diems from funds appropriated in this section shall not exceed \$37,023  
10 for FY2019-20 or \$75,156 for FY2020-21.

11 Sec. 2. There is hereby appropriated (1) \$32,482 from the General  
12 Fund for FY2019-20 and (2) \$66,439 from the General Fund for FY2020-21 to  
13 the Supreme Court, for Program 4, to aid in carrying out the provisions

14 of Legislative Bill 300, One Hundred Sixth Legislature, First Session,  
 15 2019.  
 16 Total expenditures for permanent and temporary salaries and per  
 17 diems from funds appropriated in this section shall not exceed \$30,147  
 18 for FY2019-20 or \$61,199 for FY2020-21.  
 19 Sec. 3. There is hereby appropriated (1) \$359,002 from the General  
 20 Fund for FY2019-20 and (2) \$734,453 from the General Fund for FY2020-21  
 21 to the Supreme Court, for Program 6, to aid in carrying out the  
 22 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First  
 23 Session, 2019.  
 24 Total expenditures for permanent and temporary salaries and per  
 25 diems from funds appropriated in this section shall not exceed \$332,677  
 26 for FY2019-20 or \$675,334 for FY2020-21.  
 27 Sec. 4. There is hereby appropriated (1) \$298,428 from the General  
 1 Fund for FY2019-20 and (2) \$610,652 from the General Fund for FY2020-21  
 2 to the Supreme Court, for Program 7, to aid in carrying out the  
 3 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First  
 4 Session, 2019.  
 5 Total expenditures for permanent and temporary salaries and per  
 6 diems from funds appropriated in this section shall not exceed \$276,085  
 7 for FY2019-20 or \$560,452 for FY2020-21.  
 8 Sec. 5. There is hereby appropriated (1) \$36,956 from the  
 9 Compensation Court Cash Fund for FY2019-20 and (2) \$75,606 from the  
 10 Compensation Court Cash Fund for FY2020-21 to the Workers' Compensation  
 11 Court, for Program 526, to aid in carrying out the provisions of  
 12 Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019.  
 13 Total expenditures for permanent and temporary salaries and per  
 14 diems from funds appropriated in this section shall not exceed \$34,246  
 15 for FY2019-20 or \$69,520 for FY2020-21.  
 16 Sec. 6. This act becomes operative on July 1, 2019.  
 17 Sec. 7. Since an emergency exists, this act takes effect when  
 18 passed and approved according to law.

Senator Hunt filed the following amendment to LB209:  
 AM1535

(Amendments to Standing Committee amendments, AM1432)

1 1. On page 2, lines 2 and 31, strike "immediate" and insert  
 2 "timely".

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 107.** Introduced by Wayne, 13.

WHEREAS, the Omaha Healthy Kids Alliance has received the Environmental Protection Agency's (EPA) National Environmental Leadership Award in Asthma Management. This award is the EPA's highest recognition a program and its leaders can receive for delivering excellent environmental asthma management; and

WHEREAS, the EPA's National Environmental Leadership Award in Asthma Management is given annually to a health plan, health care provider, and a community in action, to showcase the highest standards in asthma care and management; and

WHEREAS, in 2015, six percent of Omaha area children had asthma, with the highest rates among those in very low income households and among African-American and Latino children; and

WHEREAS, since 2014 the Omaha Healthy Kids Alliance has administered the Asthma In-Home Response Program, performing home assessments and designing home construction interventions for families who have children with asthma. The alliance also educates families to eliminate environmental triggers, leading to a reduction in missed school days, emergency room visits, and symptomatic days; and

WHEREAS, the Omaha Healthy Kids Alliance helps families make connections between health and housing issues by assessing homes, educating families, making informed referrals, and connecting clients to home repair services to reduce health and safety risks.

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

1. That the Legislature congratulates the Omaha Healthy Kids Alliance on receiving the National Environmental Leadership Award in Asthma Management.

2. That a copy of this resolution be sent to the Omaha Healthy Kids Alliance.

Laid over.

#### **VISITOR(S)**

Visitors to the Chamber were students from Dodge Elementary School, Grand Island; students from Knickrehm Elementary School, Grand Island; students from St. Michael's School, Albion; Marilyn Zehring, Peg Jeffres, Sue Murphy, and Anne Kallesen from Columbus; students and teachers from Ord Junior Senior High School; and students and teachers from Oakland-Craig Schools.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

#### **ADJOURNMENT**

At 12:16 p.m., on a motion by Senator Halloran, the Legislature adjourned until 10:00 a.m., Tuesday, May 7, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-FIRST DAY - MAY 7, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 7, 2019

**PRAYER**

The prayer was offered by Pastor Stuart Davis, First Congregational United Church of Christ, Geneva and Exeter.

**ROLL CALL**

The roll was called and all members were present except Senators Blood, Vargas, and Wishart who were excused; and Senators McCollister, Morfeld, and Pansing Brooks who were excused until they arrive.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 642A.** Introduced by McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, One Hundred Sixth Legislature, First Session, 2019.

**MESSAGE(S) FROM THE GOVERNOR**

May 3, 2019

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

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

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Michael D. Jahnke, Nebraska State Patrol, 1600 Highway 2, Lincoln, NE 68502

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 3, 2019

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Tourism Commission:

Starr Lehl, 330757 County Road K, Minatare, NE 69356  
Debra Nelson-Loseke, 604 Apache Street, Columbus, NE 68601  
Roger L. Jasnoch, 8 Crestview Drive, Kearney, NE 68845

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **ATTORNEY GENERAL'S OPINION**

##### Opinion 19-007

SUBJECT:           Constitutionality of Reducing the Percentage of the Actual Value of Agricultural and Horticultural Land Used in Calculating State Aid Value Under the Tax Equity and Educational Opportunities Support Act

REQUESTED BY:   Senator Lou Ann Linehan  
                          Senator Mark Kolterman  
                          Senator Mike Groene  
                          Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

## INTRODUCTION

You are considering legislation that would reduce the percentage of the actual value of agricultural and horticultural land used in determining state aid value under the Tax Equity and Educational Opportunities Support Act ["TEEOSA"]. Neb. Rev. Stat. §§ 79-1001 to 79-1033 (2014 and Cum. Supp. 2018). Specifically, this potential legislation would amend Neb. Rev. Stat. § 79-1016(3) (Cum. Supp. 2018). You request our opinion on the following three constitutional issues:

1. Does a reduction in adjusted value for agricultural and horticultural property within the TEEOSA formula violate the uniformity requirements of Neb. Const. art. VIII, §1?
2. Does the reduction described herein violate Due Process or Equal Protection under Neb. Const. art. I, § 3?
3. Does the reduction described herein violate Due Process or Equal Protection under the Constitution of the United States?

## ANALYSIS

### I. Uniformity Clause

Your first question is whether the proposed amendment to the TEEOSA formula would violate the "uniformity clause" of our State Constitution. Neb. Const. art. VIII, § 1(1) provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution; . . . ." Neb. Const. art. VIII, § 1(4) authorizes the Legislature to provide that agricultural land and horticultural land constitute a separate class of property for purposes of taxation. In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

"The object of the uniformity clause is accomplished 'if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value.'" *Constructors, Inc. v. Cass County Bd. of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000) (quoting *County of Gage v. State Bd. of Equal.*, 185 Neb. 749, 755, 178 N.W.2d 759, 764 (1970)). "The rule of uniformity applies to both the rate of taxation and the valuation of property for tax-raising purposes." *Grainger Bros. Co. v. Lancaster Cty. Bd. of Equal.*, 180 Neb. 571, 574, 144 N.W.2d 161, 164 (1966). The legislation which you are considering would not change the rate of taxation or the valuation of property for "tax-raising purposes." Rather, it would amend

Neb. Rev. Stat. § 79-1016(3), which is part of the statutory formula used in calculating state aid to schools.

TEEOSA was enacted in 1990 to both equalize school funding and provide property tax relief, in part, through use of a formula for the distribution of state aid to public schools. Neb. Rev. Stat. § 79-1002 (2014). That formula takes into consideration both the needs of local systems and school districts and the resources available to those local systems and school districts. In determining the resources available, TEEOSA requires the Property Tax Administrator to "compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system." Neb. Rev. Stat. § 79-1016(2) (Cum. Supp. 2018). "The adjusted valuation of property of each school district and each local school system, for purposes of determining state aid pursuant to [TEEOSA], shall reflect as nearly as possible the state aid value . . ." *Id.*

As you point out in your request letter, "state aid value" is then defined at Neb. Rev. Stat. § 79-1016(3) to mean:

- (a) For real property other than agricultural and horticultural land, ninety-six percent of actual value;
- (b) For agricultural and horticultural land, seventy-two percent of actual value as provided in sections 77-1359 to 77-1363. For agricultural and horticultural land that receives special valuation pursuant to section 77-1344, seventy-two percent of special valuation as defined in section 77-1343; and
- (c) For personal property, the net book value as defined in section 77-120.

You are "considering introducing an amendment to a bill currently in the Revenue Committee that would reduce the range of adjusted valuation for agricultural and horticultural property" for purposes of the statutory state aid formula, while the adjusted valuation for state aid purposes for all other real property would remain at a higher percent.<sup>1</sup> This potential legislation would make a change in the computation of available resources in the TEEOSA formula. However, because it would not change the rate of taxation or the valuation of real property for taxation purposes, there is no question that arises under the uniformity clause.

## **II. Equal Protection and Due Process**

Your second and third questions concern the equal protection and due process provisions of both the Nebraska and United States Constitutions. Neb. Const. art. I, § 3 provides: "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws." U.S. Const. Amend. XIV, § 1 provides, in pertinent part, "nor

shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Nebraska Supreme Court has held that the "Nebraska Constitution and the U.S. Constitution have identical requirements for equal protection challenges." *Lingenfelter v. Lower Elkhorn Natural Resources District*, 294 Neb. 46, 77, 881 N.W.2d 892, 914 (2016); *Citizens of Decatur for Equal Educ. v. Lyons-Decatur School Dist.*, 274 Neb. 278, 302, 739 N.W.2d 742, 762 (2007) ["Decatur"]. And, the Court has stated that the language of the due process clauses of the State and Federal Constitutions is similar such that they are often discussed together. *Decatur* at 293, 739 N.W.2d at 756; *Marshall v. Wimes*, 261 Neb. 846, 850, 626 N.W.2d 229, 234 (2001). Therefore, we will discuss your second and third questions together.

In 2015, this office addressed whether LB 280, which also included a provision to lower the percentage of agricultural and horticultural land used in determining state aid value, violated the special legislation clause at Neb. Const. art. III, § 18 by creating a totally arbitrary and unreasonable method of classification. Op. Att'y Gen. No. 15002 (February 17, 2015). We will briefly summarize that opinion here. "A special legislation analysis focuses on a legislative body's purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *J. M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489 (2014). The question we discussed, therefore, was "whether the distinction between the percentages of agricultural and horticultural lands and other real property, utilizing a percentage below the midpoint of the range for agricultural and horticultural lands and land subject to special valuation while retaining the midpoint of the range for other real property, establishes an arbitrary and unreasonable classification." Op. Att'y Gen. No. 15002 at 3-4.

In that opinion, we also looked back at the legislative history of an earlier 2011 bill (LB 440), which was similar to LB 280, and the purposes articulated in support of that bill. Those purposes included providing more state aid to more rural school districts and to "help neutralize the effect of soaring agricultural land values and resulting decrease in state aid that burdens our rural communities in supporting K-12 school districts." Committee Records on LB 440, 102<sup>nd</sup> Leg., 1<sup>st</sup> Sess. 1-2 (February 1, 2011) (Statement of Sen. Heidemann). It was also noted that the number of school districts not receiving equalization aid under TEEOSA had risen considerably. *Id.* at 2 (Statement of Sen. Heidemann). In our 2015 opinion, we stated that the purposes articulated in support of LB 440 also provided an adequate basis for the distinction between agricultural and horticultural lands and other real property in LB 280. "Given the substantial increase in the valuation of agricultural and horticultural lands statewide in recent years, which has outpaced increases in the valuation of other real property, utilizing a different, lower percentage of agricultural land value in the calculation of state aid is not arbitrary or unreasonable, as it is based on real

substantial differences between such lands and other real property." Op. Atty Gen. No. 15002 at 4. We concluded that such a provision in LB 280 did not result in an improper classification in violation of the special legislation clause of our State Constitution.

Subsequent to the issuance of that Attorney General opinion, a committee hearing was held on LB 280. A review of the legislative history of LB 280 reveals that similar reasons were articulated in support of that bill. "[T]oday, two-thirds of all school districts in Nebraska receive no TEEOSA and must rely completely on taxes assessed on local property owners to meet the needs of the district." Committee Records on LB 280, 104<sup>th</sup> Leg., 1<sup>st</sup> Sess. 34 (February 18, 2015) (Statement of Sen. Davis). LB 280 "lowers the percentage of agricultural land valuation from 75 percent to 65 percent in the resources side of the TEEOSA formula." *Id.* at 35. Examples were provided of a "disproportionate property tax burden being felt by rural Nebraskans." *Id.* at 34-35. We expect that the purposes articulated in support of both LB 440 and LB 280 will also apply to your proposed legislation. In addition, your request letter states one of the goals of the legislation is "to reduce the reliance on local property taxes to fund public schools."

The potential legislation which you describe is similar to the provisions proposed in 2011 (LB 440) and 2015 (LB 280). While we previously concluded that such a provision would not violate the Nebraska special legislation clause, you have now inquired whether it would violate state and federal equal protection clauses. While "[s]pecial legislation analysis is similar to an equal protection analysis . . . , the focus of each test is different." *Hug v. City of Omaha*, 275 Neb. 820, 826, 749 N.W.2d 884, 890 (2008). "The analysis under a special legislation inquiry focuses on the Legislature's purpose in creating the class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *Id.* "This is different from an equal protection analysis under which the state interest in legislation is compared to the statutory means selected by the Legislature to accomplish that purpose." *Id.* It is important to note that the "test for validity under the special legislation prohibition is more stringent than the traditional rational basis test" employed in equal protection clause analysis. *Haman v. Marsh*, 237 Neb. 699, 713, 467 N.W.2d 836, 846-47 (1991). In other words, if legislation to reduce the percentage of the actual value of agricultural and horticultural lands used in determining state aid value under TEEOSA meets the test for validity under the special legislation clause, it follows that it will meet the less stringent rational basis test of the equal protection clause.

A potential challenger would need to first demonstrate that he or she was treated differently than others similarly situated. The equal protection clause "does not forbid classifications; it simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike." *Decatur*, 274 Neb. at 303, 739 N.W.2d at 762. Even if that first requirement is met, if "the classifications involved in a statute do not create any suspect class or address any fundamental right, the court applies

only minimal scrutiny under the equal protection analysis." *Staley v. City of Omaha*, 271 Neb. 543, 553, 713 N.W.2d 457, 468 (2006). "[T]he burden is upon the challenging party to eliminate any reasonably conceivable state of facts that could provide a rational basis for the classification." *Decatur*, 274 Neb. at 303, 739 N.W.2d at 763.

There is also a substantial overlap between the tests applied under a due process and an equal protection analysis. As stated by the Nebraska Supreme Court in *Decatur*, "[I]n both equal protection and due process challenges – when a fundamental right or suspect classification is not involved – a government act is a valid exercise of police power if it is rationally related to a legitimate governmental purpose." *Id.* at 293-94, 739 N.W.2d at 756. In that case, a coalition of parents and taxpayers argued that the free instruction clause at Neb. Const. art. VII, § 1 guarantees a fundamental right to equal and adequate funding of schools within the same school district. The Court held that the free instruction clause does not confer a fundamental right to equal funding of schools so that the appropriate level of scrutiny was the rational basis test. Further, the school board's actions, taken because the school board was faced with increasing budget deficits and needed to reduce costs, "were rationally related to its legitimate goal of providing an education to all children in the district." *Id.* at 302, 739 N.W.2d at 762.

As we pointed out in Op. Att'y Gen. No. 15002, the Legislature has been given broad discretion in determining the proper means to fund our schools. *Id.* at 5. "Nebraska's constitutional history shows that the people of Nebraska have repeatedly left school funding decisions to the Legislature's discretion." *Nebraska Coalition for Educational Equity and Adequacy v. Heineman*, 273 Neb. 531, 550, 731 N.W.2d 164, 179 (2007). If the legislation which you describe is enacted for the purposes of getting more state aid to rural school districts and reducing the reliance on local property taxes to fund public schools, we think that a court would find that the legislation is rationally related to these goals.

Finally, to the extent a constitutional challenge might be made to the legislation you propose by a county or school district, we note that both U.S. Const. Amend. XIV and Neb. Const. art. I, § 3 prohibit the State from depriving any "person" of life, liberty, or property without due process of law or from denying any "person" the equal protection of the laws. Therefore, counties, school districts and other political subdivisions have no due process or equal protection rights against the State. "A county, as a creature and political subdivision of the State, is neither a natural nor an artificial person . . . . Accordingly, a county cannot invoke the protection of the 14<sup>th</sup> amendment against the State." *Rock County v. Spire*, 235 Neb. 434, 448, 455 N.W.2d 763, 771 (1990). "In the instant case, the [school] district, as a creature and political subdivision of the state, is neither a natural nor an artificial 'person' and, therefore, cannot invoke due process protection against the state." *Loup City Public Schools v. Nebraska Dep't of Revenue*, 252 Neb. 387, 394, 562 N.W.2d 551, 556 (1997).

**CONCLUSION**

You are considering legislation that would change that part of the statutory TEEOSA formula which takes into consideration the resources available to local systems and school districts. In particular, the legislation would reduce the percentage of the actual value of agricultural and horticultural lands used in calculating state aid value in Neb. Rev. Stat. § 79-1016(3). As the uniformity clause of our State Constitution requires uniformity in both the rate of taxation and the valuation of property for tax-raising purposes, and your proposed legislation would only make a change in the value of agricultural and horticultural lands for purposes of the TEEOSA formula, there is no constitutional question that arises under the uniformity clause. Also, for the reasons stated above, we do not believe that the proposed legislation would contravene equal protection or substantive due process requirements. We expect that the reasons articulated in support of such legislation would provide a rational basis for the reduction in value for purposes of the TEEOSA formula.

<sup>1</sup>We note that AM1572 to LB 289 was filed after we received your opinion request. Section 38 of that amendment would amend Neb. Rev. Stat. § 79-1016(3) to provide that state aid value for agricultural and horticultural lands would be reduced to 62 percent of actual value while state aid value for other real property would be reduced to 86 percent of actual value.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
09-625-29

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 97, 99, and 100 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 97, 99, and 100.

**GENERAL FILE**

**LEGISLATIVE BILL 86A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 209.** Senator Chambers renewed his motion, MO76, found on page 1373 and considered on page 1379, to bracket until June 6, 2019.

Senator Albrecht offered the following motion:  
MO77

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

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

Voting in the affirmative, 37:

Albrecht	Crawford	Halloran	Lindstrom	Slama
Arch	DeBoer	Hansen, B.	Linehan	Stinner
Bolz	Dorn	Hilgers	Lowe	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lathrop	Scheer	

Voting in the negative, 5:

Chambers	Hansen, M.	Hunt	Morfeld	Pansing Brooks
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Present and not voting, 4:

Cavanaugh	Howard	Kolowski	McCollister
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Excused and not voting, 3:

Blood	Vargas	Wishart
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The Albrecht motion to invoke cloture prevailed with 37 ayes, 5 nays, 4 present and not voting, and 3 excused and not voting.

The Chambers motion to bracket failed with 8 ayes, 36 nays, 2 present and not voting, and 3 excused and not voting.

The Hunt motion, MO71, found on page 1333 and considered on page 1373, to recommit to committee, failed with 8 ayes, 37 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 9 nays, and 3 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 108.** Introduced by Pansing Brooks, 28; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Chris Beutler worked tirelessly for the residents of the city of Lincoln and the State of Nebraska as a faithful public servant; and

WHEREAS, Chris Beutler, an Omaha native, graduated from Omaha Benson High School, earned a bachelor's degree from Yale University, and a law degree from the University of Nebraska-Lincoln; and

WHEREAS, Chris Beutler served as a teacher in Turkey with the Peace Corps from 1966 to 1967; and

WHEREAS, Chris Beutler served our country in the United States Army from 1969 to 1971; and

WHEREAS, Chris Beutler was elected as a State Senator in Legislative District 28 in 1978 and served through 1986 and was elected again in 1990 and served through 2006 for a total of 24 years of state legislative service; and

WHEREAS, in 2007, Chris Beutler was elected as the mayor of the city of Lincoln and was reelected in 2011 and 2015, making him the longest-serving mayor in the city of Lincoln; and

WHEREAS, Chris Beutler has been so diligent in his policy making that he reviews and edits all documents that cross his path, whether legislative bills, amendments, resolutions, ordinances, or reports from staff, which led to the description of a document being "Beutlerized"; and

WHEREAS, Chris Beutler helped execute and implement Lincoln business leaders' plan for Lincoln's growth, Vision 2015, including the P Street Corridor, Centennial Mall, Union Plaza, West Haymarket, Pinnacle Bank Arena, Breslow Ice Center, and Tower Square; and

WHEREAS, Chris Beutler supported and initiated infrastructure development working to make Lincoln a 1-gigabyte city, creating an

entertainment district, supporting the arts, and interconnecting Lincoln's citizens through trails and parks; and

WHEREAS, Chris Beutler's final term as mayor of the city of Lincoln will end in May of 2019, after leading the city to unprecedented growth, progress, and development.

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

1. That the Legislature extends its appreciation to Chris Beutler for his many years of service and his dedication to Lincoln and Nebraska.
2. That a copy of this resolution be sent to Chris Beutler.

Laid over.

**LEGISLATIVE RESOLUTION 109.** Introduced by Bolz, 29; Howard, 9; Pansing Brooks, 28.

WHEREAS, David P. Newell of Omaha joined the leadership team of PromiseShip (formerly Nebraska Families Collaborative) in 2010 and has steered the organization through the challenges of child welfare privatization; and

WHEREAS, Dave was appointed by Governor Heineman to serve on the Nebraska Children's Commission, was reappointed by Governor Ricketts, and elected to serve as the chair in 2017; and

WHEREAS, Dave was selected for an Annie E. Casey Foundation Children and Family Fellowship in 2013; and

WHEREAS, Dave was recognized in 2013 by the Omaha Metropolitan Child Advocacy Coalition for outstanding contributions to the community on behalf of children, youth, and families, and in 2016 by the Child Savings Institute with the A.W. Clark award for his demonstrated vision and outstanding commitment to serving children, youth, and families; and

WHEREAS, Dave holds a certificate of nonprofit management and a Master of Social Work degree from the University of Alaska Anchorage, and a Bachelor of Science degree in education from Southern Illinois University Edwardsville; and

WHEREAS, Dave is a member of the Nebraska Children's Commission, National Association of Social Workers, and Academy of Certified Social Workers and is a licensed social worker in Nebraska and New York; and

WHEREAS, prior to coming to Nebraska, Dave served as a regional vice president at EMQ Families First in California, as the executive director at Denali Family Services in Alaska, and as the Chair of the Alaska Behavioral Health Association; and

WHEREAS, Dave has more than twenty-six years of social services experience in both direct service and leadership roles.

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

1. That the Legislature thanks David P. Newell, CSW, ACSW, for his leadership and his service to children and families in Nebraska.

2. That a copy of this resolution be sent to David Newell.

Laid over.

**LEGISLATIVE RESOLUTION 110.** Introduced by Bolz, 29.

WHEREAS, Brigadier General Wendy K. Johnson of Elba began her career in the Nebraska Air National Guard as an enlisted administrative clerk with the 155th Combat Support Squadron in Lincoln in 1984; and

WHEREAS, General Johnson was commissioned as a Second Lieutenant in 1988 at the Academy of Military Science at McGhee-Tyson Air National Guard Base in Tennessee; and

WHEREAS, General Johnson has held multiple leadership positions at the flight, squadron, and group level, including Equal Opportunity Officer, Social Actions Chief, Logistics Officer, Mission Support Flight Commander, Wing Commander, Squadron Commander, Group Commander, Joint Force Headquarters Chief of Staff, and Joint Force Headquarters Joint Staff Director; and

WHEREAS, General Johnson is a highly decorated veteran of multiple overseas deployments, including an assignment to the U.S. Central Command; and

WHEREAS, in April of 2016, General Johnson became the first woman in the history of the Nebraska National Guard to pin on the rank of general officer; and

WHEREAS, General Johnson became the first woman to lead the Nebraska Air National Guard as the assistant adjutant general for air when she assumed command in June of 2018; and

WHEREAS, General Johnson is responsible to the Adjutant General for leadership, management, and command and control of the Nebraska Air National Guard units to support both federal and state missions.

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

1. That the Nebraska Legislature congratulates and thanks Brigadier General Wendy K. Johnson for her leadership and service to the state and the country.

2. That a copy of this resolution be sent to Brigadier General Wendy K. Johnson.

Laid over.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 86.** Placed on Final Reading.

**LEGISLATIVE BILL 96.** Placed on Final Reading.

**LEGISLATIVE BILL 155.** Placed on Final Reading.

**LEGISLATIVE BILL 179.** Placed on Final Reading.

**LEGISLATIVE BILL 184.** Placed on Final Reading.

ST22

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM1252:
  - a. On page 20, line 7, "sections" has been struck and "section" inserted; and
  - b. On page 22, line 5, "services" has been struck and "service" inserted.

**LEGISLATIVE BILL 375.** Placed on Final Reading.**LEGISLATIVE BILL 411.** Placed on Final Reading.

ST21

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM514, on page 46, line 9, "(3)" has been struck, shown as stricken, and "(4)" inserted.
2. On page 1, the matter beginning with "county" in line 1 through line 5 and all amendments thereto have been struck and "government; to amend sections 18-2515, 23-149, 23-202, 23-293, 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903, 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes Cumulative Supplement, 2018; to name, change, and transfer provisions regarding the county civil service commission; to change provisions relating to metropolitan utilities districts, initiative and referendum petitions, municipal economic development programs, county boards, county organization, sanitary and improvement districts, election provisions, recall provisions, conflicts of interest, and penalty provisions for violations relating to political accountability and disclosure; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 418.** Placed on Final Reading.**LEGISLATIVE BILL 460.** Placed on Final Reading.**LEGISLATIVE BILL 460A.** Placed on Final Reading.**LEGISLATIVE BILL 478.** Placed on Final Reading.**LEGISLATIVE BILL 560.** Placed on Final Reading.**LEGISLATIVE BILL 570.** Placed on Final Reading.**LEGISLATIVE BILL 570A.** Placed on Final Reading.

**LEGISLATIVE BILL 595.** Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Albrecht amendments, AM1510, on page 2, line 27, "or mediation" has been struck and shown as stricken and ", mediation, or restorative justice" inserted.

2. In the E & R amendments, ER 95, on page 1, line 5, "43-2,108.02, 43-2,108.03," has been struck; in line 7 the first "and" has been struck; and in line 8 before the semicolon ", and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019" has been inserted.

(Signed) Julie Slama, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 675.** Title read. Considered.

Committee AM1308, found on page 1272, was offered.

Senator Groene offered his amendment, AM1499, found on page 1319, to the committee amendment.

The Groene amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendments, FA27, FA28, FA29, FA30, and FA31, found on page 988.

Senator Wayne withdrew his motion, MO39, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne offered the following amendment:

AM1567

- 1 1. Insert the following new section:
- 2 Sec. 2. Commencing with the 2020-21 school year, if two or more high
- 3 schools from different school districts compete in one or more
- 4 extracurricular activities as a single team, each such school district
- 5 shall participate in the completion of a study of the feasibility of
- 6 consolidating such school districts. Such study shall include efficiency,
- 7 demographic, curriculum, facility, financial, and community components
- 8 and shall be completed, presented to the school board of each such school
- 9 district, and submitted to the State Department of Education within two
- 10 years of the commencement of the school year in which such competition

11 occurs.

12 2. Renumber the original sections and correct internal references  
13 accordingly.

Senator Wayne withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

### COMMITTEE REPORT(S)

Appropriations

**LEGISLATIVE BILL 642.** Placed on General File with amendment.

AM1501

1 1. On page 4, line 31, strike "one" and insert "five hundred

2 thousand".

3 2. On page 5, line 1, strike "million"; and in line 15 strike the

4 new matter and reinstate the stricken matter and strike "four", show as

5 stricken, and insert "nine".

(Signed) John Stinner, Chairperson

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR Committee**

LR104 Executive Board

Jahnke, Michael D. - Public Employees Retirement Board - Nebraska Retirement Systems

Jasnoch, Roger L. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Lehl, Starr - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Nelson-Loseke, Debra - Nebraska Tourism Commission - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson  
Executive Board

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 111.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 112.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the statutes governing cities of the primary class in Chapter 15 of Nebraska Revised Statutes. The goal of the study shall be to update and modernize statutes through the elimination of obsolete, antiquated, and duplicate statutory language.

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

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

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

Referred to the Executive Board.

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

Senator Lathrop filed the following amendment to LB519:  
AM1602

(Amendments to Standing Committee amendments, AM1460)

1 1. Strike sections 4 and 7 and insert the following new section:

2 Sec. 4. Section 28-710, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited

5 as the Child Protection and Family Safety Act.

6 (2) For purposes of the Child Protection and Family Safety Act:

7 (a) Alternative response means a comprehensive assessment of (i)

8 child safety, (ii) the risk of future child abuse or neglect, (iii)

9 family strengths and needs, and (iv) the provision of or referral for

10 necessary services and support. Alternative response is an alternative to

11 traditional response and does not include an investigation or a formal  
12 determination as to whether child abuse or neglect has occurred, and the  
13 subject of the report shall not be entered into the central registry of  
14 child protection cases maintained pursuant to section 28-718;  
15 (b) Child abuse or neglect means knowingly, intentionally, or  
16 negligently causing or permitting a minor child to be:  
17 (i) Placed in a situation that endangers his or her life or physical  
18 or mental health;  
19 (ii) Cruelly confined or cruelly punished;  
20 (iii) Deprived of necessary food, clothing, shelter, or care;  
21 (iv) Left unattended in a motor vehicle if such minor child is six  
22 years of age or younger;  
23 (v) ~~Placed in a situation to be sexually~~ Sexually abused;~~or~~  
24 (vi) Placed in a situation to be sexually Sexually exploited through  
25 sex trafficking of a minor as defined in section 28-830 or by allowing,  
26 encouraging, or forcing such person to ~~solicit for~~ or engage in  
1 ~~prostitution,~~ debauchery, public indecency, or obscene or pornographic  
2 photography, films, or depictions; or  
3 (vii) Placed in a situation to be a trafficking victim as defined in  
4 section 28-830;  
5 (c) Comprehensive assessment means an analysis of child safety, risk  
6 of future child abuse or neglect, and family strengths and needs on a  
7 report of child abuse or neglect. Comprehensive assessment does not  
8 include a determination as to whether the child abuse or neglect occurred  
9 but does determine the need for services and support to address the  
10 safety of children and the risk of future abuse or neglect;  
11 (d) Department means the Department of Health and Human Services;  
12 (e) Investigation means fact gathering related to the current safety  
13 of a child and the risk of future child abuse or neglect that determines  
14 whether child abuse or neglect has occurred and whether child protective  
15 services are needed;  
16 (f) Law enforcement agency means the police department or town  
17 marshal in incorporated municipalities, the office of the sheriff in  
18 unincorporated areas, and the Nebraska State Patrol;  
19 (g) Out-of-home child abuse or neglect means child abuse or neglect  
20 occurring outside of a child's family home, including in day care homes,  
21 foster homes, day care centers, residential child-caring agencies as  
22 defined in section 71-1926, ~~and~~ other child care facilities or  
23 institutions, and the community. Out-of-home child abuse or neglect also  
24 includes cases in which the subject of the report of child abuse or  
25 neglect is not a member of the child's household, no longer has access to  
26 the child, is unknown, or cannot be identified;  
27 (h) Review, Evaluate, and Decide Team means an internal team of  
28 staff within the department and shall include no fewer than two  
29 supervisors or administrators and two staff members knowledgeable on the  
30 policies and practices of the department, including, but not limited to,  
31 the structured review process. County attorneys, child advocacy centers,  
1 or law enforcement agency personnel may attend team reviews upon request  
2 of a party;

3 (i) Traditional response means an investigation by a law enforcement  
4 agency or the department pursuant to section 28-713 which requires a  
5 formal determination of whether child abuse or neglect has occurred; and  
6 (j) Subject of the report of child abuse or neglect or subject of  
7 the report means the person or persons identified in the report as  
8 responsible for the child abuse or neglect.  
9 2. Renumber the remaining sections and correct the repealer  
10 accordingly.

### **VISITOR(S)**

Visitors to the Chamber were students from Trinity Lutheran School, Fremont; students from Leigh Community Schools; and Detachment Commander Robert "Bud" Neel of the Sons of the American Legion from Wayne.

### **RECESS**

At 11:47 a.m., on a motion by Senator Brandt, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Blood, Howard, Vargas, and Wishart who were excused; and Senators DeBoer, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 289.** Title read. Considered.

Committee AM1572, found on page 1400, was offered.

Senator Linehan withdrew her amendment, AM1381, found on page 1205.

Senator Chambers offered the following motion:

MO78

Bracket until June 5, 2019.

Senator Chambers withdrew his motion to bracket.

Senator Hughes offered the following amendment to the committee amendment:

AM1637

(Amendments to Standing Committee amendments, AM1572)

1 1. On page 93, line 24, strike "section is" and insert "sections  
2 are" and strike "Section" and insert "Sections"; and in line 25 after  
3 "77-2704.56" insert "and 77-2704.67".

### **SENATOR WAYNE PRESIDING**

Pending.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 113.** Introduced by Cavanaugh, 6.

**PURPOSE:** The purpose of this interim study is to examine existing anti-discrimination laws to ensure they are advancing the public policy of Nebraska. The public policy of Nebraska is to protect workers against unlawful discrimination or denial of equal employment. In furtherance of this policy, Nebraska has several employment anti-discrimination statutes. The issues addressed by this interim study shall include, but not be limited to:

- (1) Whether existing statutes sufficiently protect all employees from impermissible discrimination;
- (2) Whether existing statutes duplicate, overlap, or conflict with each other; and
- (3) Whether modifications or amendments to existing nondiscrimination statutes are needed.

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

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

Referred to the Executive Board.

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

Senator Wayne filed the following amendment to LB289:

AM1603

(Amendments to Standing Committee amendments, AM1572)

1 1. Insert the following new section:  
2 Sec. 20. Section 77-4008, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-4008 (1)(a) A tax is hereby imposed upon the first owner of  
 5 tobacco products to be sold in this state.  
 6 (b) The tax on cigars, cheroots, and stogies shall be twenty percent  
 7 of (i) the purchase price of the cigars, cheroots, or stogies paid by the  
 8 first owner or (ii) the price at which a first owner who made,  
 9 manufactured, or fabricated the cigars, cheroots, or stogies sells the  
 10 items to others, except that the maximum tax imposed under this  
 11 subdivision (b) shall be fifty cents for each cigar, cheroot, or stogie.  
 12 ~~(c)~~ ~~(b)~~ The tax on snuff shall be forty-four cents per ounce and a  
 13 proportionate tax at the like rate on all fractional parts of an ounce.  
 14 Such tax shall be computed based on the net weight as listed by the  
 15 manufacturer.  
 16 ~~(d)~~ ~~(e)~~ The tax on tobacco products other than cigars, cheroots,  
 17 stogies, and snuff shall be twenty percent of (i) the purchase price of  
 18 such tobacco products paid by the first owner or (ii) the price at which  
 19 a first owner who made, manufactured, or fabricated the tobacco product  
 20 sells the items to others, except that the maximum tax imposed under this  
 21 subdivision (d) shall be twenty-five cents per ounce.  
 22 ~~(e)~~ ~~(d)~~ The tax on tobacco products shall be in addition to all  
 23 other taxes.  
 24 (2) Whenever any person who is licensed under section 77-4009  
 25 purchases tobacco products from another person licensed under section  
 26 77-4009, the seller shall be liable for the payment of the tax.  
 1 (3) Amounts collected pursuant to this section shall be used and  
 2 distributed pursuant to section 77-4025.  
 3 2. Renumber the remaining sections and correct internal references  
 4 accordingly.  
 5 3. Correct the operative date and repealer sections so that the  
 6 section added by this amendment becomes operative on July 1, 2019.

Senator Wayne filed the following amendment to LB289:  
 AM1606

(Amendments to Standing Committee amendments, AM1572)

1 1. Strike section 16 and insert the following new section:  
 2 Sec. 16. Section 77-2715.07, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:  
 4 77-2715.07 (1) There shall be allowed to qualified resident  
 5 individuals as a nonrefundable credit against the income tax imposed by  
 6 the Nebraska Revenue Act of 1967:  
 7 (a) A credit equal to the federal credit allowed under section 22 of  
 8 the Internal Revenue Code; and  
 9 (b) A credit for taxes paid to another state as provided in section  
 10 77-2730.  
 11 (2) There shall be allowed to qualified resident individuals against  
 12 the income tax imposed by the Nebraska Revenue Act of 1967:  
 13 (a) For returns filed reporting federal adjusted gross incomes of  
 14 greater than twenty-nine thousand dollars, a nonrefundable credit equal  
 15 to twenty-five percent of the federal credit allowed under section 21 of  
 16 the Internal Revenue Code of 1986, as amended, except that for taxable

17 years beginning or deemed to begin on or after January 1, 2015, such  
18 nonrefundable credit shall be allowed only if the individual would have  
19 received the federal credit allowed under section 21 of the code after  
20 adding back in any carryforward of a net operating loss that was deducted  
21 pursuant to such section in determining eligibility for the federal  
22 credit;

23 (b) For returns filed reporting federal adjusted gross income of  
24 twenty-nine thousand dollars or less, a refundable credit equal to a  
25 percentage of the federal credit allowable under section 21 of the  
26 Internal Revenue Code of 1986, as amended, whether or not the federal  
1 credit was limited by the federal tax liability. The percentage of the  
2 federal credit shall be one hundred percent for incomes not greater than  
3 twenty-two thousand dollars, and the percentage shall be reduced by ten  
4 percent for each one thousand dollars, or fraction thereof, by which the  
5 reported federal adjusted gross income exceeds twenty-two thousand  
6 dollars, except that for taxable years beginning or deemed to begin on or  
7 after January 1, 2015, such refundable credit shall be allowed only if  
8 the individual would have received the federal credit allowed under  
9 section 21 of the code after adding back in any carryforward of a net  
10 operating loss that was deducted pursuant to such section in determining  
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for  
13 individuals who qualify for an income tax credit as a qualified beginning  
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
15 for all taxable years beginning or deemed to begin on or after January 1,  
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income  
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
21 and

22 (e)(i) ~~(e)~~ A refundable credit equal to:

23 (A) For taxable years beginning or deemed to begin before January 1,  
24 2020, ten percent of the federal credit allowed under section 32 of the  
25 Internal Revenue Code of 1986, as amended; and ;

26 (B) For taxable years beginning or deemed to begin on or after  
27 January 1, 2020:

28 (I) Fifteen percent of the federal credit allowed under section 32  
29 of the Internal Revenue Code of 1986, as amended, if the taxpayer resides  
30 in an area that has been declared an extremely blighted area under  
31 section 2, Legislative Bill 86, One Hundred Sixth Legislature, First  
1 Session, 2019; or

2 (II) Thirteen percent of the federal credit allowed under section 32  
3 of the Internal Revenue Code of 1986, as amended, if the taxpayer does  
4 not reside in such an area.

5 (ii) For ~~except that for~~ taxable years beginning or deemed to begin  
6 on or after January 1, 2015, ~~the such~~ refundable credit ~~provided in~~  
7 subdivision (2)(e)(i) of this section shall be allowed only if the  
8 individual would have received the federal credit allowed under section

9 32 of the code after adding back in any carryforward of a net operating  
10 loss that was deducted pursuant to such section in determining  
11 eligibility for the federal credit.

12 (3) There shall be allowed to all individuals as a nonrefundable  
13 credit against the income tax imposed by the Nebraska Revenue Act of  
14 1967:

15 (a) A credit for personal exemptions allowed under section  
16 77-2716.01;

17 (b) A credit for contributions to certified community betterment  
18 programs as provided in the Community Development Assistance Act. Each  
19 partner, each shareholder of an electing subchapter S corporation, each  
20 beneficiary of an estate or trust, or each member of a limited liability  
21 company shall report his or her share of the credit in the same manner  
22 and proportion as he or she reports the partnership, subchapter S  
23 corporation, estate, trust, or limited liability company income;

24 (c) A credit for investment in a biodiesel facility as provided in  
25 section 77-27,236;

26 (d) A credit as provided in the New Markets Job Growth Investment  
27 Act;

28 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
29 Revitalization Act;

30 (f) A credit to employers as provided in section 77-27,238; and

31 (g) A credit as provided in the Affordable Housing Tax Credit Act.

1 (4) There shall be allowed as a credit against the income tax  
2 imposed by the Nebraska Revenue Act of 1967:

3 (a) A credit to all resident estates and trusts for taxes paid to  
4 another state as provided in section 77-2730;

5 (b) A credit to all estates and trusts for contributions to  
6 certified community betterment programs as provided in the Community  
7 Development Assistance Act; and

8 (c) A refundable credit for individuals who qualify for an income  
9 tax credit as an owner of agricultural assets under the Beginning Farmer  
10 Tax Credit Act for all taxable years beginning or deemed to begin on or  
11 after January 1, 2009, under the Internal Revenue Code of 1986, as  
12 amended. The credit allowed for each partner, shareholder, member, or  
13 beneficiary of a partnership, corporation, limited liability company, or  
14 estate or trust qualifying for an income tax credit as an owner of  
15 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
16 equal to the partner's, shareholder's, member's, or beneficiary's portion  
17 of the amount of tax credit distributed pursuant to subsection (4) of  
18 section 77-5211.

19 (5)(a) For all taxable years beginning on or after January 1, 2007,  
20 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
21 amended, there shall be allowed to each partner, shareholder, member, or  
22 beneficiary of a partnership, subchapter S corporation, limited liability  
23 company, or estate or trust a nonrefundable credit against the income tax  
24 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
25 partner's, shareholder's, member's, or beneficiary's portion of the  
26 amount of franchise tax paid to the state under sections 77-3801 to

27 77-3807 by a financial institution.

28 (b) For all taxable years beginning on or after January 1, 2009,  
29 under the Internal Revenue Code of 1986, as amended, there shall be  
30 allowed to each partner, shareholder, member, or beneficiary of a  
31 partnership, subchapter S corporation, limited liability company, or  
1 estate or trust a nonrefundable credit against the income tax imposed by  
2 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,  
3 member's, or beneficiary's portion of the amount of franchise tax paid to  
4 the state under sections 77-3801 to 77-3807 by a financial institution.

5 (c) Each partner, shareholder, member, or beneficiary shall report  
6 his or her share of the credit in the same manner and proportion as he or  
7 she reports the partnership, subchapter S corporation, limited liability  
8 company, or estate or trust income. If any partner, shareholder, member,  
9 or beneficiary cannot fully utilize the credit for that year, the credit  
10 may not be carried forward or back.

11 (6) There shall be allowed to all individuals nonrefundable credits  
12 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
13 provided in section 77-3604 and refundable credits against the income tax  
14 imposed by the Nebraska Revenue Act of 1967 as provided in section  
15 77-3605.

Senator Quick filed the following amendment to LB424:  
AM1513 is available in the Bill Room.

### GENERAL FILE

**LEGISLATIVE BILL 289.** The Hughes amendment, AM1637, found in  
this day's Journal, to the committee amendment, was renewed.

### SPEAKER SCHEER PRESIDING

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 86A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 657.** Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the  
Journal, have been made:

1. On page 1, the matter beginning with "section" in line 1 through line 5  
and all amendments thereto has been struck and "sections 2-5701 and

28-401, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Farming Act; to change provisions relating to the industrial hemp agricultural pilot program and define and redefine terms; to define and redefine terms under the Uniform Controlled Substances Act; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 657A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**SPEAKER'S MAJOR PROPOSAL**

May 7, 2019

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Scheer's request that LB298 be designated as a 2019 Speaker Major Proposal.

Respectfully,  
(Signed) Senator Mike Hilgers  
Chair, Executive Board

C: Speaker Jim Scheer  
Senator John Stinner

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

Senator Chambers filed the following amendment to LB289:  
AM1653

(Amendments to Standing Committee amendments, AM1572)

- 1 1. Strike sections 13 and 17.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

Senator Chambers filed the following amendment to LB289:  
AM1655

(Amendments to Standing Committee amendments, AM1572)

- 1 1. On page 26, lines 13 and 14, strike the new matter.

Senator Chambers filed the following amendment to LB289:  
AM1654

(Amendments to Standing Committee amendments, AM1572)

- 1 1. On page 27, line 3, strike "hair care"; and in line 4 after
- 2 "excluding" insert "hair care and".

Senator Chambers filed the following amendment to LB289:

FA66

Amend AM1572

Page 9, line 10 strike and show as stricken "churches and"; line 18 strike and show as stricken "and sales by religious organizations".

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 114.** Introduced by Hughes, 44.

**PURPOSE:** The purpose of this interim study is to examine the necessary conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project (N-CORPE) and the Rock Creek augmentation project may dispose of any of the real property each entity owns related to augmentation projects. The study shall consider the benefits of conveyance of the real property as well as any associated risks. As the N-CORPE and Rock Creek projects are of significant economic and legal importance to the State of Nebraska, to the local natural resource districts that own the property where the augmentation projects are located, and to the local economies, a collaborative process is necessary to ensure all interests are represented. The study may result in recommendations for statutory changes, if any, to allow the affected natural Resources Districts to convey their real property while ensuring the uninterrupted operation of the augmentation projects for interstate river compact compliance.

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

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

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

Referred to the Executive Board.

## WITHDRAW - Cointroducer(s)

Senator Hunt name withdrawn from LB720.

**VISITOR(S)**

Visitors to the Chamber were students from York Elementary School; students from Holling Heights Elementary School, Millard; students and teachers from Lincoln Northeast High School; students and teacher from Thedford; students from Bloomfield Community Schools; and students from Deshler Lutheran School.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

**ADJOURNMENT**

At 4:36 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, May 8, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-SECOND DAY - MAY 8, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 8, 2019

**PRAYER**

The prayer was offered by Reverend Dr. Klaus Raab, Trinity Lutheran Church, Martinsburg.

**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 Senator Vargas who was excused; and Senators Briese, Cavanaugh, Howard, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 295.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 296.** Title read. Considered.

Committee AM1481, found on page 1401, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 297.** Title read. Considered.

Committee AM1482, found on page 1401, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 293.** Title read. Considered.

Committee AM1503, found on page 1400, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 298.** Title read. Considered.

Committee AM1498, found on page 1401, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1666

(Amendments to Standing Committee amendments, AM1498)

- 1 1. Strike sections 3 and 4.
- 2 2. On page 1, lines 3 and 7, strike "\$247,000,000" and insert
- 3 "\$275,000,000".
- 4 3. Renumber the remaining sections accordingly.

Senator Friesen withdrew his amendment.

Senator Linehan offered the following amendment to the committee amendment:

FA67

Amend AM1498

Strike sections 3 and 4.

On page 1, lines 3 and 7, strike "\$247,000,000" and insert "\$272,000,000".

Renumber the remaining sections accordingly.

### **SPEAKER SCHEER PRESIDING**

Senator Linehan moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Linehan requested a roll call vote on her amendment.

Voting in the affirmative, 28:

Albrecht	Clements	Groene	La Grone	Scheer
Arch	Dorn	Halloran	Lindstrom	Slama
Bostelman	Erdman	Hansen, B.	Linehan	Walz
Brandt	Friesen	Hilgers	Lowe	Williams
Brewer	Geist	Hughes	Moser	
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 8:

Blood	Hilkemann	Kolowski	McDonnell
Chambers	Hunt	McCollister	Stinner

Present and not voting, 12:

Bolz	DeBoer	Lathrop	Quick
Cavanaugh	Hansen, M.	Morfeld	Wayne
Crawford	Howard	Pansing Brooks	Wishart

Excused and not voting, 1:

Vargas

The Linehan amendment was adopted with 28 ayes, 8 nays, 12 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 209.** Placed on Select File with amendment.  
ER105

1 1. In the Standing Committee amendments, AM1432, on page 8, line 19,  
2 strike "and 28-327.01" and insert ", 28-327.01, and 28-345".  
3 2. On page 1, strike beginning with "and" in line 1 through  
4 "abortion" in line 4 and insert ", 28-327.01, and 28-345, Reissue Revised  
5 Statutes of Nebraska; to provide requirements for the provision of  
6 information and materials regarding finding medical assistance and  
7 continuing a viable pregnancy after taking mifepristone; to provide  
8 duties for the Department of Health and Human Services; to require a  
9 confidential reporting form as prescribed".

(Signed) Julie Slama, Chairperson

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

Senator Lathrop filed the following amendment to LB427:

AM705

1 1. Insert the following new section:

2 Sec. 2. Section 71-640.01, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-640.01 (1) Except as provided in subdivision (2)(a)(i) of this  
5 section, each spouse in a marital relationship shall be entered on the  
6 certificate as a parent of the child if such spouses were married at the  
7 time of either conception or birth or at any time between conception and  
8 birth.

9 (2) The information pertaining to the identification of the father  
10 at the time of birth of an infant born in this state and reported on a  
11 birth certificate, filled out and filed pursuant to the Vital Statistics  
12 Act, shall comply with the following:

13 (a) ~~(1)~~ If the mother was married at the time of either conception  
14 or birth or at any time between conception and birth;

15 (i) To a man, the name of such the husband shall be entered on the  
16 certificate as the father of the child unless (A) ~~(a)~~ paternity has been  
17 determined otherwise by a court of competent jurisdiction, (B) ~~(b)~~ the  
18 mother and the mother's husband execute affidavits attesting that the  
19 husband is not the father of the child, in which case information about  
20 the father shall be omitted from the certificate, or (C) ~~(c)~~ the mother  
21 executes an affidavit attesting that the husband is not the father and  
22 that the putative father is the father, the putative father executes an  
23 affidavit attesting that he is the father, and the husband executes an  
24 affidavit attesting that he is not the father. In such event, the  
25 putative father shall be shown as the father on the certificate. For  
26 affidavits executed under subdivision (B) ~~(b)~~ or (C) ~~(c)~~ of this  
27 subdivision, each signature shall be individually notarized; and

1 (ii) To a woman, both the mother and such woman shall be listed as  
2 parents on the birth certificate. In such case, the name of the father  
3 shall not be entered on the certificate without the written consent of  
4 both women and the person named as the father;

5 (b) ~~(2)~~ If the mother was not married at the time of either  
6 conception or birth or at any time between conception and birth, the name  
7 of the father shall not be entered on the certificate without the written  
8 consent of the mother and the person named as the father;

9 (c) ~~(3)~~ In any case in which paternity of a child is determined by a  
10 court of competent jurisdiction, the name of the father shall be entered  
11 on the certificate in accordance with the finding of the court; and

12 (d) ~~(4)~~ If the father is not named on the certificate, no other  
13 information about the father shall be entered thereon.

14 (3) The identification of the father as provided in this section  
15 shall not be deemed to affect the legitimacy of the child or duty to  
16 support as set forth in sections 42-377 and 43-1401.

17 2. Renumber the remaining section and correct the repealer  
18 accordingly.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 115.** Introduced by Williams, 36; Hilgers, 21; La Grone, 49; Lindstrom, 18; Morfeld, 46; Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction of the Nebraska Department of Banking and Finance to determine the need to update such laws to address rapidly changing innovations in the regulation of finance, financial institutions, and financial professionals. The issues addressed by this interim study should include:

- (1) Best practices from other jurisdictions;
- (2) The balance between innovation and consumer protection;
- (3) Depository institution supervision and non-bank supervision;
- (4) Securities regulation;
- (5) Fintech and regtech;
- (6) Regulatory sandboxes; and
- (7) Innovations in payment, lending, and investment delivery.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and consider the input of interested persons as the committee deems necessary and appropriate.

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 116.** Introduced by Cavanaugh, 6.

**PURPOSE:** The Nebraska Health Care Cash Fund was initially created with a \$50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;

(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations as to any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 117.** Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to examine matters related to cemeteries, specifically statutory definitions of perpetual care and perpetual care funds and allowable uses of such funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator McCollister name added to LB690.

**VISITOR(S)**

Visitors to the Chamber were former Senator Roy Baker from Lincoln; Senator Briese's wife, Jo Briese, from Albion and Senator Briese's daughter, son-in-law, and grandson, Ashley, Cameron, and Jackson Jones, from Bennington; students from Christ Lutheran School, Norfolk; members of the

Coalition for a Strong Nebraska from Omaha; and students from Cardinal Elementary School, South Sioux City.

**RECESS**

At 11:48 a.m., on a motion by Senator McDonnell, 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 Senator Vargas who was excused; and Senators Howard and Morfeld who were excused until they arrive.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Wednesday, May 15, 2019 12:30 p.m.

Amy Haddad - Nebraska Arts Council  
Walter Seiler - Nebraska Arts Council  
Susan Lutz - Nebraska Commission on Problem Gambling  
George Morrissey - State Electrical Board

(Signed) Tom Briese, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 294.** Title read. Considered.

Committee AM1329, found on page 1400, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1667

(Amendments to Standing Committee amendments, AM1329)

1 1. On page 29, lines 1 and 2 strike each occurrence of "250,000,000"  
2 and insert "275,000,000"; and in lines 4 and 6 strike "\$250,000,000" and  
3 insert "\$275,000,000".

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 295.** Placed on Select File.**LEGISLATIVE BILL 296.** Placed on Select File.**LEGISLATIVE BILL 297.** Placed on Select File.**LEGISLATIVE BILL 293.** Placed on Select File with amendment.

ER106

1 1. On page 1, line 2, after the fourth comma insert "67, 68, 69, 70,  
2 94,".

(Signed) Julie Slama, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 294.** The Friesen amendment, AM1667, found in this day's Journal, to the committee amendment, was renewed.

The Friesen amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Committee AM1329, found on page 1400 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 4 nays, 2 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 299.** Title read. Considered.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 464.** Title read. Considered.

Committee AM895, found on page 1014, was offered.

Senator M. Hansen offered his amendment, AM1440, found on page 1365, to the committee amendment.

The M. Hansen amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

### CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Cavanaugh has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### GENERAL FILE

**LEGISLATIVE BILL 300.** Title read. Considered.

Senator Lathrop offered his amendment, AM1500, found on page 1299.

Senator Chambers offered the following amendment to the Lathrop amendment:

FA68

Amend AM1500

Page 1, line 16 strike "one cent" and insert "two cents".

### SPEAKER SCHEER PRESIDING

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 7 ayes, 24 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO79

Reconsider the vote taken on FA68.

### SENATOR PANSING BROOKS PRESIDING

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 298.** Placed on Select File with amendment.

ER107

1 1. On page 1, strike beginning with "61-218" in line 1 through the  
2 first "to" in line 5 and insert "2-4018, 61-218, 66-1334, 71-7611, and  
3 86-563, Reissue Revised Statutes of Nebraska, and sections 9-1,101,  
4 45-621, 81-1426.01, 81-15,175, and 84-1227, Revised Statutes Cumulative  
5 Supplement, 2018; to provide, change, and eliminate sources, uses, and

6 transfers of funds; to create and".

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Executive Board

Room 1507

Wednesday, May 15, 2019 12:00 p.m.

LR104

(Signed) Mike Hilgers, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB462:

AM1670

(Amendments to Standing Committee amendments, AM1568)

- 1 1. Strike section 13.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

Senator Wayne filed the following amendment to LB155:

AM1611

(Amendments to Brewer amendments, AM1380)

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 70-2002, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 70-2002 For purposes of sections 70-2001 to 70-2005:
- 5 (1) Customer-generator means an end-use electricity customer that
- 6 generates electricity on the customer's side of the meter from a
- 7 qualified facility;
- 8 (2) Interconnection agreement means an agreement between a local
- 9 distribution utility and a customer-generator that establishes the
- 10 financial, interconnection, safety, performance, and reliability
- 11 requirements relating to the installation and operation of a qualified
- 12 facility in accordance with the standards prescribed in sections 70-2001
- 13 to 70-2005;
- 14 (3) Local distribution system means the equipment and facilities
- 15 used for the distribution of electric energy to the end-use electricity
- 16 customer;
- 17 (4) Local distribution utility means the owner or operator of the
- 18 local distribution system;
- 19 (5) Net excess generation means the net amount of energy, if any, by
- 20 which the output of a qualified facility exceeds a customer-generator's
- 21 total electricity requirements during a billing period;
- 22 (6) Net metering means a system of metering electricity in which a

23 local distribution utility:

- 24 (a) Credits a customer-generator at the applicable retail rate for  
25 each kilowatt-hour produced by a qualified facility during a billing  
26 period up to the total of the customer-generator's electricity  
1 requirements during that billing period. A customer-generator that  
2 generates more than five kilowatts may be charged a separate net-metering  
3 monthly administrative fee based on the actual cost for administering the  
4 reading of the energy produced by customer-generators. Each local  
5 distribution utility shall have the authority to set the monthly  
6 administrative fee. Such fee shall be implemented as a fixed rate not to  
7 exceed more than the actual cost to the local distribution to calculate  
8 the net-metering credits, plus ten percent. No other fee shall be charged  
9 to a net-metering customer, including, but not limited to, ~~minimum~~  
10 monthly fee that is the same as other noncustomer generators in the same  
11 rate class but shall not be charged any additional standby, capacity,  
12 demand, interconnection, or other fee or charge; and
- 13 (b) Compensates the customer-generator for net excess generation  
14 during the billing period at a rate equal to the local distribution  
15 utility's avoided cost of electric supply over the billing period. The  
16 monetary credits shall be applied to the bills of the customer-generator  
17 for the preceding billing period and shall offset the cost of energy owed  
18 by the customer-generator. If the energy portion of the customer-  
19 generator's bill is less than zero in any month, monetary credits shall  
20 be carried over to future bills of the customer-generator until the  
21 balance is zero. At the end of each annualized period, any excess  
22 monetary credits shall be paid out to coincide with the final bill of  
23 that period; and
- 24 (7) Qualified facility means a facility for the production of  
25 electrical energy that:
- 26 (a) Uses as its energy source either methane, wind, solar resources,  
27 biomass, hydropower resources, or geothermal resources;
- 28 (b) Is controlled by the customer-generator and is located on  
29 premises owned, leased, or otherwise controlled by the customer-  
30 generator;
- 31 (c) Interconnects and operates in parallel with the local  
1 distribution system;
- 2 (d) Is intended to meet or offset the customer-generator's  
3 requirements for electricity based on the average monthly usage in  
4 kilowatt hours for the previous calendar year;
- 5 (e) Is not intended to offset or provide credits for electricity  
6 consumption at another location owned, operated, leased, or otherwise  
7 controlled by the customer-generator or for any other customer;
- 8 (f) Has a rated capacity of up to one hundred ten percent of the  
9 customer-generator's average monthly usage. The local distribution  
10 utility has authority to modify the generator size down to ninety percent  
11 of the customer-generator's average monthly usage if the customer-  
12 generator or developer proposes a generator size in excess of the  
13 customer-generator's average monthly usage or down to twenty-five percent  
14 of the customer-generator's average monthly usage if the local

15 distribution utility can show a risk to its local distribution system or  
16 grid reliability. For purposes of this subdivision, developer means a  
17 person or entity who develops or constructs a qualified facility at or  
18 below twenty-five kilowatts;

19 (g) Meets all applicable safety, performance, interconnection, and  
20 reliability standards established by the National Electrical Code filed  
21 with the Secretary of State and adopted by the State Electrical Board  
22 under subdivision (5) of section 81-2104, the National Electrical Safety  
23 Code, the Institute of Electrical and Electronics Engineers, and the  
24 Underwriters Laboratories, Inc.; and

25 (h) Is equipped to automatically isolate the qualified facility from  
26 the electrical system in the event of an electrical power outage or other  
27 conditions where the line is de-energized.

28 Sec. 4. Section 70-2003, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 70-2003 (1) A local distribution utility shall interconnect the  
31 qualified facility of any customer-generator that enters into an  
1 interconnection agreement with the local distribution utility, satisfies  
2 the requirements for a qualified facility and all other requirements of  
3 sections 70-2001 to 70-2005, and pays for costs incurred by the local  
4 distribution utility for equipment or services required for  
5 interconnection that would not be necessary if the qualified facility  
6 were not interconnected to the local distribution system, except as  
7 provided in subsection (2) of this section and as may be provided for in  
8 the utility's aid in construction policy.

9 (2) A local distribution utility shall provide at no additional cost  
10 to any customer-generator with a qualified facility a metering system  
11 that is capable of measuring the flow of electricity in both directions  
12 and may be accomplished through use of a single, bidirectional electric  
13 revenue meter that has only a single register for billing purposes, a  
14 smart metering system, or another meter configuration that can easily be  
15 read by the customer-generator.

16 (3) A local distribution utility may, at its own expense, install  
17 additional monitoring equipment to separately monitor the flow of  
18 electricity in each direction as may be necessary to accomplish the  
19 reporting requirements of sections 70-2001 to 70-2005.

20 (4) Subject to the requirements of sections 70-2001 to 70-2005 and  
21 the interconnection agreement, a local distribution utility shall provide  
22 net metering to any customer-generator with a qualified facility. The  
23 local distribution utility shall allow a customer-generator's retail  
24 electricity consumption to be offset by a qualified facility that is  
25 interconnected with the local distribution system. A qualified facility's  
26 net excess generation during a billing period, if any, shall be  
27 determined by the local distribution utility in accordance with section  
28 70-2002 and shall be credited to the customer-generator at a rate equal  
29 to the local distribution utility's avoided cost of electricity supply  
30 during the billing period, and the monetary credits shall be carried  
31 forward from billing period to billing period and credited against the  
1 customer-generator's retail electric bills in subsequent billing periods.

2 Any excess monetary credits shall be paid out to coincide with the final  
3 bill at the end of each annualized period or within sixty days after the  
4 date the customer-generator terminates its retail service.

5 (5) A local distribution utility shall not be required to provide  
6 net metering to additional customer-generators, regardless of the output  
7 of the proposed generation unit, after the date during a calendar year on  
8 which the total generating capacity of all customer-generators using net  
9 metering served by such local distribution utility is equal to or exceeds  
10 one percent of the capacity necessary to meet the local distribution  
11 utility's average aggregate customer monthly peak demand forecast for  
12 that calendar year.

13 (6) No local distribution utility may require a customer-generator  
14 whose qualified facility meets the standards established under sections  
15 70-2001 to 70-2005 to:

16 (a) Comply with additional safety or performance standards or pay  
17 additional charges for equipment or services for interconnection that are  
18 additional to those necessary to meet the standards established under  
19 sections 70-2001 to 70-2005;

20 (b) Perform or pay for additional tests; or

21 (c) Purchase additional liability insurance if all safety and  
22 interconnection requirements are met.

23 (7) Nothing in sections 70-2001 to 70-2005 prevents a local  
24 distribution utility from entering into other arrangements with customers  
25 desiring to install electric generating equipment or from providing net  
26 metering to customer-generators having renewable generation units with a  
27 rated capacity above the limitations in subdivision (7)(f) of section  
28 70-2002 ~~twenty five~~ kilowatts.

29 2. On page 6, line 30, strike "and 70-1015" and insert ", 70-1015,  
30 70-2002, and 70-2003".

31 3. Renumber the remaining section accordingly.

Senator Stinner filed the following amendment to LB4:  
AM893

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 4. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.

4 2. On page 1, line 4, strike "and"; and in line 5 after "sections"  
5 insert "; and to declare an emergency".

## GENERAL FILE

**LEGISLATIVE BILL 300.** Senator Chambers renewed his motion, MO79,  
found in this day's Journal, to reconsider the vote taken on FA68.

Senator Chambers asked unanimous consent to withdraw his motion,  
MO79, to reconsider the vote. No objections. So ordered.

The Lathrop amendment, AM1500, found on page 1299 and considered in

this day's Journal, was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Albrecht	Clements	Groene	Linehan	Slama
Arch	Crawford	Halloran	Lowe	Stinner
Blood	DeBoer	Hansen, B.	McCollister	Walz
Bostelman	Dorn	Hansen, M.	McDonnell	Williams
Brandt	Erdman	Howard	Murman	Wishart
Brewer	Friesen	Kolterman	Pansing Brooks	
Briese	Geist	La Grone	Quick	
Cavanaugh	Gragert	Lathrop	Scheer	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Bolz	Hughes	Hunt	Lindstrom	Wayne
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Excused and not voting, 6:

Hilgers	Kolowski	Moser
Hilkemann	Morfeld	Vargas

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 300A.** Title read. Considered.

Senator Lathrop offered his amendment, AM1579, found on page 1401.

Senator Chambers requested a record vote on the Lathrop amendment.

Voting in the affirmative, 38:

Albrecht	Clements	Groene	Lathrop	Scheer
Arch	Crawford	Halloran	Linehan	Slama
Blood	DeBoer	Hansen, B.	Lowe	Stinner
Bostelman	Dorn	Hansen, M.	McCollister	Walz
Brandt	Erdman	Howard	McDonnell	Williams
Brewer	Friesen	Hunt	Murman	Wishart
Briese	Geist	Kolterman	Pansing Brooks	
Cavanaugh	Gragert	La Grone	Quick	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Bolz            Hughes            Lindstrom        Wayne

Excused and not voting, 6:

Hilgers            Kolowski        Moser  
Hilkemann        Morfeld        Vargas

The Lathrop amendment was adopted with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Albrecht	Clements	Groene	Linehan	Slama
Arch	Crawford	Halloran	Lowe	Stinner
Blood	DeBoer	Hansen, B.	McCollister	Walz
Bostelman	Dorn	Hansen, M.	McDonnell	Williams
Brandt	Erdman	Howard	Murman	Wishart
Brewer	Friesen	Kolterman	Pansing Brooks	
Briese	Geist	La Grone	Quick	
Cavanaugh	Gragert	Lathrop	Scheer	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Bolz            Hughes            Hunt            Lindstrom        Wayne

Excused and not voting, 6:

Hilgers            Kolowski        Moser  
Hilkemann        Morfeld        Vargas

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

**MESSAGE(S) FROM THE GOVERNOR**

May 8, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 6, 130, 130A, 138, 177, 227, 237, 237A, 356, 405, 496, 524, 585, 616, and 693 were received in my office on May 2, 2019.

These bills were signed and delivered to the Secretary of State on May 8, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**VISITOR(S)**

Visitors to the Chamber were students from Spring Ridge Elementary School, Elkhorn; students with Lutheran Family Services from Omaha; students from Immanuel Lutheran School, Hadar; and students from Emerson-Hubbard Elementary School.

**ADJOURNMENT**

At 5:38 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, May 9, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-THIRD DAY - MAY 9, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 9, 2019

**PRAYER**

The prayer was offered by Pastor Jeremy Wissink, Community Bible Church, Omaha.

**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 Pansing Brooks and Vargas who were excused; and Senators Cavanaugh, M. Hansen, Morfeld, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-second day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 101 and 102 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 101 and 102.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Hunt.

**GENERAL FILE**

**LEGISLATIVE BILL 492.** Committee AM628, found on page 1238 and considered on page 1353, was renewed.

**SENATOR WILLIAMS PRESIDING**

Senator Wayne offered the following amendment to the committee amendment:

AM1657

(Amendments to Standing Committee amendments, AM628)

- 1 1. On page 1, line 7, after "areas" insert "or combined statistical
- 2 areas"; and in line 22 after "area" insert "or combined statistical
- 3 area".
- 4 2. On page 2, after line 8 insert the following new subdivision:
- 5 "(2) Combined statistical area means two or more adjacent
- 6 metropolitan statistical areas or micropolitan statistical areas
- 7 delineated by the United States Office of Management and Budget as a
- 8 combined statistical area under standards developed using data from the
- 9 2010 Census of Population by the United States Bureau of the Census, and
- 10 data from the 2006-2010 American Community Survey 5-Year Estimate by the
- 11 United States Bureau of the Census, as such delineations existed on April
- 12 10, 2018."; in line 9 strike "(2)" and insert "(3)"; strike lines 11
- 13 through 15 and insert the following new subdivisions:
- 14 "(4) Metropolitan statistical area means a core-based statistical
- 15 area delineated by the United States Office of Management and Budget as a
- 16 metropolitan statistical area under standards developed using data from
- 17 the 2010 Census of Population by the United States Bureau of the Census,
- 18 and data from the 2006-2010 American Community Survey 5-Year Estimate by
- 19 the United States Bureau of the Census, as such delineations existed on
- 20 April 10, 2018.
- 21 "(5) Micropolitan statistical area means a core-based statistical
- 22 area delineated by the United States Office of Management and Budget as a
- 23 micropolitan statistical area under standards developed using data from
- 24 the 2010 Census of Population by the United States Bureau of the Census,
- 25 and data from the 2006-2010 American Community Survey 5-Year Estimate by
- 26 the United States Bureau of the Census, as such delineations existed on
- 1 April 10, 2018."; in line 16 strike "(4)" and insert "(6)"; in line 17
- 2 strike "(5)" and insert "(7)"; in line 20 strike "(6)" and insert "(8)";
- 3 and in line 25 after "area" insert "or combined statistical area".
- 4 3. On page 3, line 3, strike "or" and after "area" insert ", or
- 5 combined statistical area"; in line 14 after "(2)" insert "(a)"; in line
- 6 17 after "area" insert "or combined statistical area"; in line 18 strike
- 7 the first "vote" and insert "decide"; and after line 24 insert the
- 8 following new subdivision:
- 9 "(b) At any time after a municipality has joined a regional
- 10 metropolitan transit authority pursuant to subdivision (2)(a) of this
- 11 section, such municipality may decide, by a two-thirds vote of its
- 12 governing body, to leave such regional metropolitan transit authority.
- 13 Following such vote, the governing body shall transmit a copy of the
- 14 resolution to leave the regional metropolitan transit authority to the
- 15 board of such regional metropolitan transit authority. As provided in
- 16 subsection (2) of section 8 of this act, the operating jurisdiction of
- 17 such regional metropolitan transit authority shall no longer extend to
- 18 areas within the boundaries of such municipality.".

19 4. On page 4, line 13, after "area" insert "or combined statistical  
20 area".

21 5. On page 5, line 26, strike "subsection (2)" and insert

22 "subdivision (2)(a)" and after the comma insert "or upon a municipality

23 leaving such regional metropolitan transit authority by vote pursuant to

24 subdivision (2)(b) of section 4 of this act."; in lines 28 and 29 strike

25 "newly established" and insert "redrawn"; and in line 30 after "joining"

26 insert "or leaving".

The Wayne amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator La Grone moved for a call of the house. The motion prevailed with 23 ayes, 9 nays, and 17 not voting.

Senator La Grone requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Blood	DeBoer	Kolowski	McDonnell	Williams
Bolz	Dorn	Kolterman	Morfeld	Wishart
Brandt	Hansen, M.	Lathrop	Quick	
Cavanaugh	Hilkemann	Lindstrom	Scheer	
Chambers	Howard	Linehan	Stinner	
Crawford	Hunt	McCollister	Wayne	

Voting in the negative, 9:

Bostelman	Clements	Groene	La Grone	Moser
Brewer	Erdman	Hilgers	Lowe	

Present and not voting, 9:

Albrecht	Briese	Geist	Halloran	Murman
Arch	Friesen	Gragert	Hughes	

Excused and not voting, 5:

Hansen, B.	Pansing Brooks Slama	Vargas	Walz	
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Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 690.** Title read. Considered.

Committee AM1488, found on page 1314, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**

Senator Wishart filed the following amendment to LB519: AM1591 is available in the Bill Room.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Moser has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Blood name added to LB690.

**VISITOR(S)**

Visitors to the Chamber were students from Elmwood-Murdock Elementary School; students from Shoemaker Elementary School, Grand Island; and students from St. Bonaventure School, Columbus.

**RECESS**

At 11:49 a.m., on a motion by Senator Hunt, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Howard, Pansing Brooks, and Vargas who were excused; and Senators Dorn, Groene, Hilkemann, and Linehan who were excused until they arrive.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 675.** Placed on Select File with amendment.  
ER108 is available in the Bill Room.

**LEGISLATIVE BILL 294.** Placed on Select File with amendment.  
ER109

- 1 1. In the Standing Committee amendments, AM1329:
- 2 a. On page 39, line 8, strike "14,653,804" and insert "12,653,804";
- 3 b. On page 47, line 26, strike "\$2,734,288" and insert "\$2,734,444";
- 4 c. On page 53, line 8, after "Health" insert "Care";
- 5 d. On page 55, line 24, strike the second occurrence of "17,613,382"  
6 and insert "18,226,294";
- 7 e. On page 64, line 15, strike "cost" and insert "costs"; and
- 8 f. On page 141, line 19, strike "FY2016-17" and insert "FY2018-19".

**LEGISLATIVE BILL 299.** Placed on Select File.

**LEGISLATIVE BILL 464.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**SENATOR HUGHES PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 424.** Committee AM509, found on page 705 and considered on pages 1198 and 1199, was renewed.

Senator Hilgers renewed his amendment, AM1401, found on page 1199 and considered on page 1207, to the committee amendment.

**SPEAKER SCHEER PRESIDING****SENATOR HUGHES PRESIDING**

Senator Chambers offered the following motion:

MO80

Bracket until June 6, 2019.

Senator Chambers withdrew his motion to bracket.

Senator La Grone offered the following motion:

MO82

Bracket until June 5, 2019.

Senator La Grone withdrew his motion to bracket.

Senator Quick offered the following motion:

MO81

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Quick moved for a call of the house. The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

Senator Quick requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Arch	Crawford	Hughes	McDonnell	Wayne
Blood	DeBoer	Hunt	Morfeld	Williams
Bolz	Dorn	Kolowski	Moser	Wishart
Brandt	Friesen	Kolterman	Quick	
Briese	Gragert	Lathrop	Scheer	
Cavanaugh	Hansen, M.	Lindstrom	Stinner	
Chambers	Hilkemann	McCollister	Walz	

Voting in the negative, 10:

Bostelman	Erdman	Groene	Hilgers	Lowe
Clements	Geist	Halloran	La Grone	Slama

Present and not voting, 5:

Albrecht	Brewer	Hansen, B.	Linehan	Murman
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Excused and not voting, 3:

Howard	Pansing Brooks Vargas
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The Quick motion to invoke cloture failed with 31 ayes, 10 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 118.** Introduced by Hunt, 8; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Geist, 25; Groene, 42; Halloran,

33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, a 2006 Federal Bureau of Investigation assessment defined a white supremacist as a pro-white person who believes that the white race is superior to all other races and was created to rule them. White supremacists view non-whites as subhuman and usually refer to them in derogatory terms; and

WHEREAS, the same 2006 intelligence assessment describes the domestic white-nationalist movement as seeking to promote, honor, and defend the white race. A white nationalist believes the white race is under attack from Jewish interests that dominate the media, banking, entertainment industries, and the government, which white nationalists refer to as the Zionist Occupied Government or ZOG, and that such interests act to the detriment of the white race. White nationalists view multiculturalism, diversity, and illegal immigration as direct assaults on the white race and race-mixing as akin to white genocide. White nationalists hope to appeal to mainstream whites, believing that the majority of white people do not understand the imminent or long-term threat to their race. Many white nationalists contend that a race war, often referred to as RAHOWA, or Racial Holy War, is a certainty; and

WHEREAS, white supremacy and white nationalism are contrary to the ideals of the United States of America, which was established according to the principle stated in the Declaration of Independence that all men are created equal, a principle that was updated in 1848 in Seneca Falls, New York, to include all people; and

WHEREAS, while our country has often fallen short of these ideals, patriotic Americans have sought to embody the founding values of our country by rejecting white nationalism and white supremacy, embracing inclusive patriotism, and welcoming immigrants from across the globe who have continuously enriched our nation; and

WHEREAS, on April 27, 2019, a domestic terrorist armed with an assault rifle opened fire on worshipers in Chabad of Poway, a synagogue in Poway, near San Diego, California, killing Lori Kaye, 60, and injuring three others; and

WHEREAS, the perpetrator of this act of terrorism has also been linked to an arson blaze that blackened the walls of the Islamic Center of Escondido, a mosque in San Diego; and

WHEREAS, the perpetrator was motivated by white supremacy and white nationalism ideologies and inspired by the white-nationalist terrorist who killed fifty people in attacks on mosques in Christchurch, New Zealand at Friday prayer on March 15, 2019; and

WHEREAS, according to FBI statistics, hate crimes nationwide, including those in places of worship, increased in 2015, in 2016, and in 2017, the three most recent years for which data is available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature condemns racist violence and domestic terrorist attacks motivated by white supremacy and white nationalism.
2. That the Legislature recognizes Lori Kaye of Poway, California, who was killed in the domestic terrorist attack in San Diego, California, and the three other individuals injured in such attack, and offers condolences to the family and friends of Lori Kaye and sympathy to those individuals recovering from injuries sustained during such attacks.
3. That the Legislature recognizes the hundreds of other individuals killed and injured in attacks motivated by religious hatred.
4. That the Legislature offers support for communities victimized by demonstrations of violent bigotry.
5. That the Legislature rejects groups that espouse racism, extremism, xenophobia, anti-Semitism, Islamophobia, white supremacy, and white nationalism as hateful groups of intolerance contrary to the values of Nebraskans.
6. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR118 was referred to the Reference Committee.

#### **AMENDMENT(S) - Print in Journal**

Senator Hilgers filed the following amendment to LB424:  
AM1404

(Amendments to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendment:
- 2 2. On page 12, line 14, after the semicolon insert "and"; strike
- 3 lines 15 through 18 and show as stricken; and in line 19 strike "(r)",
- 4 show as stricken, and insert "q".

Senator Hilgers filed the following amendment to LB424:  
AM1402

(Amendments to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendments:
- 2 2. On page 11, strike lines 28 through 30 and show as stricken; and
- 3 in line 31 strike "(l)", show as stricken, and insert "k".
- 4 3. On page 12, line 2, strike "(m)", show as stricken, and insert
- 5 "l"; in line 5 strike "(n)", show as stricken, and insert "m"; in
- 6 line 7 strike "(o)", show as stricken, and insert "n"; in line 13

7 strike "(p)", show as stricken, and insert "(o)"; in line 15 strike  
8 "(q)", show as stricken, and insert "(p)"; and in line 19 strike "(r)",  
9 show as stricken, and insert "(q)".

Senator Hilgers filed the following amendment to LB424:  
AM1400

(Amendment to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendment:
- 2 2. On page 20, line 12; and page 22, line 11, after the period
- 3 insert "No automatically accepted bid shall be given on or after the
- 4 effective date of this act.".

Senator Friesen filed the following amendment to LB462:  
AM1736

(Amendments to Standing Committee amendments, AM1568)

- 1 1. Strike section 13.
- 2 2. On page 5, line 4, after "operator" insert "and excavator".
- 3 3. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.

### **VISITOR(S)**

Visitors to the Chamber were students from Paddock Road Elementary School, Omaha; students from Exeter-Milligan Elementary School; students and teachers from Lincoln Northeast High School; students from Plainview Elementary School; and students from Ansley Elementary School.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

### **ADJOURNMENT**

At 4:43 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Friday, May 10, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-FOURTH DAY - MAY 10, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 10, 2019

**PRAYER**

The prayer was offered by Pastor Brian Loy, First United Methodist Church, O'Neill.

**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 Howard, Hunt, and Pansing Brooks who were excused; and Senators Dorn, Friesen, B. Hansen, McCollister, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

May 9, 2019

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed and reappointed to the State Personnel Board:

Sharon Rues, SPHR, SPHR-SCP, 20178 Nina Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
 (Signed) Pete Ricketts  
 Governor

Enclosures

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 9, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Antonich, John  
 Nebraska Association of Public Employees NAPE/AFSCME Local 61  
 (Withdrawn 05/07/2019)  
 Cavanaugh & Associates, P.C., L.L.O.  
 National Confectioners Association  
 Fellers, Trent  
 Windstream Communications  
 Hays, Chloe  
 Legal Momentum  
 Heartland Strategy Group, LLC  
 Nebraska Occupational Therapy Association  
 Owen, Kathleen  
 Legal Momentum

### GENERAL FILE

**LEGISLATIVE BILL 427.** Title read. Considered.

Senator Lathrop withdrew his amendment, AM705, found on page 1434.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 447.** Title read. Considered.

Committee AM548, found on page 716, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present

and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 447A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 315.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 281.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 454.** Title read. Considered.

Committee AM501, found on page 634, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 260.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 726.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 476.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 505.** Title read. Considered.

Committee AM125, found on page 720, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 374.** Title read. Considered.

Committee AM335, found on page 721, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Brewer offered his amendment, AM980, found on page 1005.

The Brewer amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 571.** Title read. Considered.

Committee AM609, found on page 793, was adopted with 34 ayes, 0 nays, 8 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.

**LEGISLATIVE BILL 571A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 561.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 525.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 609.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 719.** Title read. Considered.

Committee AM258, found on page 824, was adopted with 36 ayes, 0 nays, 7

present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 719A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 62.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 559.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 220.** Title read. Considered.

Committee AM660, found on page 966, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 135.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 244.** Title read. Considered.

Committee AM1214, found on page 1099, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 308.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 392.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 564.** Title read. Considered.

Committee AM1276, found on page 1238, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 123.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 414.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 533.** Title read. Considered.

Committee AM414, found on page 1313, was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

#### **COMMITTEE REPORT(S)**

##### Revenue

**LEGISLATIVE BILL 720.** Placed on General File with amendment. AM1614 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

##### Judiciary

**LEGISLATIVE BILL 110.** Placed on General File with amendment. AM1680 is available in the Bill Room.

**LEGISLATIVE BILL 630.** Placed on General File with amendment. AM1635 is available in the Bill Room.

**LEGISLATIVE BILL 680.** Placed on General File with amendment.  
AM1537

1 1. Strike the original sections and insert the following new  
2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Uniform Civil Remedies for Unauthorized Disclosure of  
5 Intimate Images Act.

6 Sec. 2. In the Uniform Civil Remedies for Unauthorized Disclosure  
7 of Intimate Images Act:

8 (1) Consent means affirmative, conscious, and voluntary  
9 authorization by an individual with legal capacity to give authorization.

10 (2) Depicted individual means an individual whose body is shown in  
11 whole or in part in an intimate image.

12 (3) Disclosure means transfer, publication, or distribution to  
13 another person. Disclose has a corresponding meaning.

14 (4) Identifiable means recognizable by a person other than the  
15 depicted individual:

16 (A) from an intimate image itself; or

17 (B) from an intimate image and identifying characteristic displayed  
18 in connection with the intimate image.

19 (5) Identifying characteristic means information that may be used to  
20 identify a depicted individual.

21 (6) Individual means a human being.

22 (7) Intimate image means a photograph, film, video recording, or  
23 other similar medium that shows:

24 (A) the uncovered genitals, pubic area, anus, or female post-  
25 pubescent nipple of a depicted individual; or

26 (B) a depicted individual engaging in or being subjected to sexual  
27 conduct.

1 (8) Person means an individual, estate, business or nonprofit  
2 entity, public corporation, government or governmental subdivision,  
3 agency, or instrumentality, or other legal entity.

4 (9) Sexual conduct includes:

5 (A) masturbation;

6 (B) genital, anal, or oral sex;

7 (C) sexual penetration of, or with, an object;

8 (D) bestiality; or

9 (E) the transfer of semen onto a depicted individual.

10 Sec. 3. (a) In this section:

11 (1) Harm includes physical harm, economic harm, and emotional  
12 distress whether or not accompanied by physical or economic harm.

13 (2) Private means:

14 (A) created or obtained under circumstances in which a depicted  
15 individual had a reasonable expectation of privacy; or

16 (B) made accessible through theft, bribery, extortion, fraud, false  
17 pretenses, voyeurism, or exceeding authorized access to an account,  
18 message, file, device, resource, or property.

19 (b) Except as otherwise provided in section 4 of this act, a  
20 depicted individual who is identifiable and who suffers harm from a

21 person's intentional disclosure or threatened disclosure of an intimate  
22 image that was private without the depicted individual's consent has a  
23 cause of action against the person if the person knew or acted with  
24 reckless disregard for whether:  
25 (1) the depicted individual did not consent to the disclosure;  
26 (2) the intimate image was private; and  
27 (3) the depicted individual was identifiable.  
28 (c) The following conduct by a depicted individual does not  
29 establish by itself that the individual consented to the disclosure of  
30 the intimate image which is the subject of an action under this act or  
31 that the individual lacked a reasonable expectation of privacy:  
1 (1) consent to creation of the image; or  
2 (2) previous consensual disclosure of the image.  
3 (d) A depicted individual who does not consent to the sexual conduct  
4 or uncovering of the part of the body depicted in an intimate image of  
5 the individual retains a reasonable expectation of privacy even if the  
6 image was created when the individual was in a public place.  
7 Sec. 4. (a) In this section:  
8 (1) Child means an unemancipated individual who is less than  
9 nineteen years of age.  
10 (2) Parent means an individual recognized as a parent under law of  
11 this state other than the Uniform Civil Remedies for Unauthorized  
12 Disclosure of Intimate Images Act.  
13 (b) A person is not liable under the act if the person proves that  
14 disclosure of, or a threat to disclose, an intimate image was:  
15 (1) made in good faith in:  
16 (A) law enforcement;  
17 (B) a legal proceeding; or  
18 (C) medical education or treatment;  
19 (2) made in good faith in the reporting or investigation of:  
20 (A) unlawful conduct; or  
21 (B) unsolicited and unwelcome conduct;  
22 (3) related to a matter of public concern or public interest; or  
23 (4) reasonably intended to assist the depicted individual.  
24 (c) Subject to subsection (d) of this section, a defendant who is a  
25 parent, legal guardian, or individual with legal custody of a child is  
26 not liable under the act for a disclosure or threatened disclosure of an  
27 intimate image, as defined in subdivision (7)(A) of section 2 of this  
28 act, of the child.  
29 (d) If a defendant asserts an exception to liability under  
30 subsection (c) of this subsection, the exception does not apply if the  
31 plaintiff proves the disclosure was:  
1 (1) prohibited by law other than the act; or  
2 (2) made for the purpose of sexual arousal, sexual gratification,  
3 humiliation, degradation, or monetary or commercial gain.  
4 (e) Disclosure of, or a threat to disclose, an intimate image is not  
5 a matter of public concern or public interest solely because the depicted  
6 individual is a public figure.  
7 Sec. 5. (a) In an action under the Uniform Civil Remedies for

8 Unauthorized Disclosure of Intimate Images Act, a prevailing plaintiff  
9 may recover as compensation:  
10 (1)(A) economic and noneconomic damages proximately caused by the  
11 defendant's disclosure or threatened disclosure, including damages for  
12 emotional distress whether or not accompanied by other damages; or  
13 (B) if the actual damages are incapable of being quantified or  
14 difficult to quantify, presumed damages not to exceed ten thousand  
15 dollars against each defendant in an amount that bears a reasonable  
16 relationship to the probable damages incurred by the prevailing  
17 plaintiff. In determining the amount of presumed damages under  
18 subdivision (a)(1)(B) of this section, consideration must be given to the  
19 age of the parties at the time of the disclosure or threatened  
20 disclosure, the number of disclosures or threatened disclosures made by  
21 the defendant, the breadth of distribution of the image by the defendant,  
22 and other exacerbating or mitigating factors; and  
23 (2) an amount equal to any monetary gain made by the defendant from  
24 disclosure of the intimate image.  
25 (b) In an action under the act, the court may award a prevailing  
26 plaintiff:  
27 (1) reasonable attorney's fees and costs; and  
28 (2) additional relief, including injunctive relief.  
29 (c) The act does not affect a right or remedy available under law of  
30 this state other than the act.  
31 Sec. 6. (a) An action under subsection (b) of section 3 of this act  
1 for:  
2 (1) an unauthorized disclosure may not be brought later than four  
3 years from the date the disclosure was discovered or should have been  
4 discovered with the exercise of reasonable diligence; and  
5 (2) a threat to disclose may not be brought later than four years  
6 from the date of the threat to disclose.  
7 (b) This section is subject to section 25-213.  
8 Sec. 7. (a) In an action brought under the Uniform Civil Remedies  
9 for Unauthorized Disclosure of Intimate Images Act, no provider or user  
10 of an interactive computer service shall be treated as a person  
11 disclosing any information provided by another information content  
12 provider unless the provider or user of such interactive computer service  
13 is responsible, in whole or in part, for the creation or development of  
14 the information provided through the Internet or any other interactive  
15 service.  
16 (b) No provider or user of an interactive computer service shall be  
17 held liable under the act on account of:  
18 (1) any action voluntarily taken in good faith to restrict access to  
19 or availability of material that the provider or user considers to be  
20 obscene, lewd, lascivious, filthy, excessively violent, harassing, or  
21 otherwise objectionable, whether or not such material is constitutionally  
22 protected; or  
23 (2) any action taken to enable or make available to any information  
24 content provider or others the technical means to restrict access to  
25 material described in subdivision (b)(1) of this section.

26 (c) Nothing in the Uniform Civil Remedies for Unauthorized  
27 Disclosure of Intimate Images Act shall be construed to impose liability  
28 on an interactive computer service for content provided by another  
29 person.

30 (d) The Uniform Civil Remedies for Unauthorized Disclosure of  
31 Intimate Images Act must be construed to be consistent with 47 U.S.C.  
1 230, as such section existed on January 1, 2019.

2 (e) The act may not be construed to alter the law of this state on  
3 sovereign immunity.

4 (f) For purposes of this section, information content provider and  
5 interactive computer service have the same meanings as in 47 U.S.C. 230,  
6 as such section existed on January 1, 2019.

7 Sec. 8. In applying and construing the Uniform Civil Remedies for  
8 Unauthorized Disclosure of Intimate Images Act, consideration must be  
9 given to the need to promote uniformity of the law with respect to its  
10 subject matter among states that enact it.

11 Sec. 9. In any action brought pursuant to the Uniform Civil  
12 Remedies for Unauthorized Disclosure of Intimate Images Act, a plaintiff  
13 may request to use a pseudonym instead of his or her legal name in all  
14 court proceedings and records. Upon finding that the use of a pseudonym  
15 is proper, the court shall ensure that the pseudonym is used in all court  
16 proceedings and records.

17 Sec. 10. Section 25-213, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 25-213 Except as provided in sections 76-288 to 76-298, if a person  
20 entitled to bring any action mentioned in Chapter 25, the Political  
21 Subdivisions Tort Claims Act, the Nebraska Hospital-Medical Liability  
22 Act, the State Contract Claims Act, the State Tort Claims Act, or the  
23 State Miscellaneous Claims Act, or the Uniform Civil Remedies for  
24 Unauthorized Disclosure of Intimate Images Act, except for a penalty or  
25 forfeiture, for the recovery of the title or possession of lands,  
26 tenements, or hereditaments, or for the foreclosure of mortgages thereon,  
27 is, at the time the cause of action accrued, within the age of twenty  
28 years, a person with a mental disorder, or imprisoned, every such person  
29 shall be entitled to bring such action within the respective times  
30 limited by Chapter 25 after such disability is removed. For the recovery  
31 of the title or possession of lands, tenements, or hereditaments or for  
1 the foreclosure of mortgages thereon, every such person shall be entitled  
2 to bring such action within twenty years from the accrual thereof but in  
3 no case longer than ten years after the termination of such disability.  
4 Absence from the state, death, or other disability shall not operate to  
5 extend the period within which actions in rem are to be commenced by and  
6 against a nonresident or his or her representative.

7 Sec. 11. If any section in this act or any part of any section is  
8 declared invalid or unconstitutional, the declaration shall not affect  
9 the validity or constitutionality of the remaining portions.

10 Sec. 12. Original section 25-213, Reissue Revised Statutes of  
11 Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 300.** Placed on Select File.**LEGISLATIVE BILL 300A.** Placed on Select File with amendment.

ER110

1 1. In the Lathrop amendments, AM1579, on page 2, line 10, after

2 "the" insert "Nebraska".

(Signed) Julie Slama, Chairperson

**AMENDMENT(S) - Print in Journal**Senator M. Hansen filed the following amendment to LB433:

AM1729

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 76-1416 (1) A landlord may not demand or receive security, however  
6 denominated, in an amount or value in excess of one month's periodic  
7 rent, except that a pet deposit not in excess of one-fourth of one  
8 month's periodic rent may be demanded or received when appropriate, but  
9 this subsection shall not be applicable to housing agencies organized or  
10 existing under the Nebraska Housing Agency Act.11 (2) Upon termination of the tenancy, property or money held by the  
12 landlord as prepaid rent and security may be applied to the payment of  
13 rent and the amount of damages which the landlord has suffered by reason  
14 of the tenant's noncompliance with the rental agreement or section  
15 76-1421. The balance, if any, and a written itemization shall be  
16 delivered or mailed to the tenant within fourteen days after the date of  
17 termination of the tenancy. If no mailing address or instructions are  
18 provided by the tenant to the landlord, the landlord shall mail, by  
19 first-class mail, the balance of the security deposit to be returned, if  
20 any, and a written itemization of the amount of the security deposit not  
21 returned to the tenant's last-known mailing address. If the mailing is  
22 returned as undeliverable, or if the returned balance of the security  
23 deposit remains outstanding thirty days after the date of the mailing,  
24 the landlord shall, not later than sixty days after the date of the  
25 mailing, remit the outstanding balance of the security deposit to the  
26 State Treasurer for disposition pursuant to the Uniform Disposition of  
27 Unclaimed Property Act demand and designation of the location where  
1 payment may be made or mailed.2 (3) If the landlord fails to comply with subsection (2) of this  
3 section, the tenant may recover the property and money due him or her,  
4 court costs, and reasonable attorney's fees. In addition, if the  
5 landlord's failure to comply with subsection (2) of this section is  
6 willful and not in good faith, the tenant may recover an amount equal to

7 one month's periodic rent or two times the amount of the security  
8 deposit, whichever is less, as liquidated damages.

9 (4) This section does not preclude the landlord or tenant from  
10 recovering other damages to which he or she may be entitled under the  
11 Uniform Residential Landlord and Tenant Act. However, a tenant shall not  
12 be liable for damages directly related to the tenant's removal from the  
13 premises by order of any governmental entity as a result of the premises  
14 not being fit for habitation due to the negligence or neglect of the  
15 landlord.

16 (5) The holder of the landlord's interest in the premises at the  
17 time of the termination of the tenancy is bound by this section.  
18 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 76-1431 (1) Except as provided in the Uniform Residential Landlord  
21 and Tenant Act, if there is a noncompliance with section 76-1421  
22 materially affecting health and safety or a material noncompliance by the  
23 tenant with the rental agreement or any separate agreement, the landlord  
24 may deliver a written notice to the tenant specifying the acts and  
25 omissions constituting the breach and that the rental agreement will  
26 terminate upon a date not less than thirty days after receipt of the  
27 notice if the breach is not remedied in fourteen days, and the rental  
28 agreement shall terminate as provided in the notice subject to the  
29 following. If the breach is remediable by repairs or the payment of  
30 damages or otherwise and the tenant adequately remedies the breach prior  
31 to the date specified in the notice, the rental agreement will not  
1 terminate. If substantially the same act or omission which constituted a  
2 prior noncompliance of which notice was given recurs within six months,  
3 the landlord may terminate the rental agreement upon at least fourteen  
4 days' written notice specifying the breach and the date of termination of  
5 the rental agreement.

6 (2) If rent is unpaid when due and the tenant fails to pay rent  
7 within seven calendar ~~three~~ days after written notice by the landlord of  
8 nonpayment and his or her intention to terminate the rental agreement if  
9 the rent is not paid within that period of time, the landlord may  
10 terminate the rental agreement.

11 (3) Except as provided in the Uniform Residential Landlord and  
12 Tenant Act, the landlord may recover damages and obtain injunctive relief  
13 for any noncompliance by the tenant with the rental agreement or section  
14 76-1421. If the tenant's noncompliance is willful, the landlord may  
15 recover reasonable attorney's fees.

16 (4) Notwithstanding subsections (1) and (2) of this section or  
17 section 25-21,221, a landlord may, after five days' written notice of  
18 termination of the rental agreement and without the right of the tenant  
19 to cure the default, file suit and have judgment against any tenant or  
20 occupant for recovery of possession of the premises if the tenant,  
21 occupant, member of the tenant's household, guest, or other person who is  
22 under the tenant's control or who is present upon the premises with the  
23 tenant's consent, engages in any violent criminal activity on the  
24 premises, the illegal sale of any controlled substance on the premises,

25 or any other activity that threatens the health or safety of other  
26 tenants, the landlord, or the landlord's employees or agents. Such  
27 activity shall include, but not be limited to, any of the following  
28 activities of the tenant, occupant, member of the tenant's household,  
29 guest, or other person who is under the tenant's control or who is  
30 present upon the premises with the tenant's consent: (a) Physical assault  
31 or the threat of physical assault; (b) illegal use of a firearm or other  
1 weapon or the threat of illegal use of a firearm or other weapon; (c)  
2 possession of a controlled substance if the tenant knew or should have  
3 known of the possession, unless such controlled substance was obtained  
4 directly from or pursuant to a medical order issued by a practitioner  
5 legally authorized to prescribe while acting in the course of his or her  
6 professional practice; or (d) any other activity or threatened activity  
7 which would otherwise threaten the health or safety of any person or  
8 involving threatened, imminent, or actual damage to the property.  
9 (5) Subsection (4) of this section does not apply to a tenant if the  
10 violent criminal activity, illegal sale of any controlled substance, or  
11 other activity that threatens the health or safety of other tenants, the  
12 landlord, or the landlord's employees or agents, as set forth in  
13 subsection (4) of this section, is conducted by a person on the premises  
14 other than the tenant and the tenant takes at least one of the following  
15 measures against the person engaging in such activity:  
16 (a) The tenant seeks a protective order, restraining order, or other  
17 similar relief which would apply to the person conducting such activity;  
18 or  
19 (b) The tenant reports such activity to a law enforcement agency in  
20 an effort to initiate a criminal action against the person conducting the  
21 activity.  
22 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised  
23 Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendments to LB378:  
AM1663

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:  
5 60-6,279 (1) A person shall not operate an autocycle, a motorcycle,  
6 or moped on any highway in this state unless such person is wearing eye  
7 protection.  
8 (2) Except as otherwise provided in subsection (3) of this section,  
9 a A person shall not operate or be a passenger in an autocycle described  
10 in subsection (4) (~~2~~) of this section, on a motorcycle other than an  
11 autocycle, or on a moped on any highway in this state unless such person  
12 is wearing a protective helmet of the type and design manufactured for  
13 use by operators of such vehicles and unless such helmet is secured  
14 properly on his or her head with a chin strap while the vehicle is in  
15 motion. All such protective helmets shall be designed to reduce injuries  
16 to the user resulting from head impacts and shall be designed to protect

17 the user by remaining on the user's head, deflecting blows, resisting  
 18 penetration, and spreading the force of impact. Each such helmet shall  
 19 consist of lining, padding, and chin strap and shall meet or exceed the  
 20 standards established in the United States Department of Transportation's  
 21 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for  
 22 motorcycle helmets.

23 (3) For purposes of this section, eye protection means glasses that  
 24 cover the orbital region of a person's face, a protective face shield  
 25 attached to a protective helmet, goggles, or a windshield on the  
 26 motorcycle or moped that protects the operator's and passenger's  
 27 horizontal line of vision in all operating positions.

1 (4) (2) This section applies to an autocytle that has a seating area  
 2 that is not completely enclosed.

3 Sec. 2. Original section 60-6,279, Revised Statutes Cumulative  
 4 Supplement, 2018, is repealed.

#### AM1662

1 1. On page 2, lines 6 and 22, strike "(2)" and insert "(2)(a)"; and  
 2 after line 20 insert the following new subdivision:

3 "(b) A person shall not be a passenger on a motorcycle or moped on  
 4 any highway in this state unless such person is at least sixteen years of  
 5 age."

#### AM1664

1 1. Insert the following new section:

2 Section 1. Section 60-3,153, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:

4 60-3,153 For the registration of every motorcycle, the fee shall be  
 5 one hundred six dollars.

6 2. Renumber the remaining sections and correct the repealer  
 7 accordingly.

#### AM1659

1 1. Strike the original sections and insert the following new  
 2 sections:

3 Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement,  
 4 2018, is amended to read:

5 60-6,279 (1) A person shall not operate an autocytle, a motorcycle,  
 6 or moped on any highway in this state unless such person is wearing eye  
 7 protection and hearing protection.

8 (2) Except as otherwise provided in subsections (3) and (4) of this  
 9 section, a A person shall not operate or be a passenger in an autocytle  
 10 described in subsection (5) (2) of this section, on a motorcycle other  
 11 than an autocytle, or on a moped on any highway in this state unless such  
 12 person is wearing a protective helmet of the type and design manufactured  
 13 for use by operators of such vehicles and unless such helmet is secured  
 14 properly on his or her head with a chin strap while the vehicle is in  
 15 motion. All such protective helmets shall be designed to reduce injuries  
 16 to the user resulting from head impacts and shall be designed to protect

17 the user by remaining on the user's head, deflecting blows, resisting  
18 penetration, and spreading the force of impact. Each such helmet shall  
19 consist of lining, padding, and chin strap and shall meet or exceed the  
20 standards established in the United States Department of Transportation's  
21 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for  
22 motorcycle helmets.

23 (3) A person who is at least twenty-one years of age is exempt from  
24 subdivision (2) of this section.

25 (4) For purposes of this section:

26 (a) Eye protection means glasses that cover the orbital region of a  
27 person's face, a protective face shield attached to a protective helmet,  
1 goggles, or a windshield on the motorcycle or moped that protects the  
2 operator's and passenger's horizontal line of vision in all operating  
3 positions; and

4 (b) Hearing protection means disposable foam plugs or reusable  
5 custom-molded devices that reduce noise.

6 (5) (2) This section applies to an autocycle that has a seating area  
7 that is not completely enclosed.

8 Sec. 2. Original section 60-6,279, Revised Statutes Cumulative  
9 Supplement, 2018, is repealed.

AM1665

1 1. Insert the following new section:

2 Section 1. Section 60-494, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4 60-494 (1) Each operator's license and state identification card  
5 shall include a special notation on the front of the license or card if  
6 the licensee or cardholder is at least sixteen years of age and indicates  
7 on the application or issuance certificate under section 60-484 or  
8 60-4,144 his or her wish to be an organ and tissue donor. If the licensee  
9 is at least sixteen years of age and a holder of a Class M license or an  
10 operator's license with a Class M endorsement, the licensee shall be  
11 required to be an organ or tissue donor, unless prohibited by a medical  
12 condition or religious practice.

13 (2) The status as an organ and tissue donor shall continue until  
14 amended or revoked by the licensee or cardholder as provided in  
15 subsection (4) of this section or section 71-4829. The status as an organ  
16 and tissue donor is not changed by the expiration, suspension,  
17 cancellation, revocation, or impoundment of the license or card.

18 (3) Any person whose operator's license or state identification card  
19 indicates his or her status as an organ and tissue donor may obtain a  
20 replacement license or card without a notation of such status. The fee  
21 for such replacement license or card shall be the fee provided in section  
22 60-4,115.

23 (4) A licensee or cardholder may change his or her status as a donor  
24 by indicating the desire that his or her name not be included in the  
25 Donor Registry of Nebraska on an application for an operator's license, a  
26 state identification card, or a replacement license or card under  
27 subsection (3) of this section. A licensee or cardholder may also change

1 or limit the extent of his or her status as a donor by (a) Internet  
 2 access to the Donor Registry of Nebraska, (b) telephone request to the  
 3 registry, or (c) other methods approved by the federally designated organ  
 4 procurement organization for Nebraska.  
 5 (5) The department shall electronically transfer to the federally  
 6 designated organ procurement organization for Nebraska all information  
 7 which appears on the face of an original or replacement operator's  
 8 license or state identification card except the image and signature of  
 9 each person whose license or card includes the notation described in  
 10 subsection (1) of this section.  
 11 2. Renumber the remaining sections and correct the repealer  
 12 accordingly.

Senator Hilgers filed the following amendment to LB532:  
 AM1596

(Amendments to Standing Committee amendments, AM674)

1 1. On page 3, lines 23 and 24; and page 15, lines 23 and 24, strike  
 2 "The court shall admit into evidence the petition and affidavit at any  
 3 show-cause hearing" and insert "The petition and affidavit shall be  
 4 deemed to have been offered into evidence at any show-cause hearing. The  
 5 petition and affidavit shall be admitted into evidence unless  
 6 specifically excluded by the court".  
 7 2. On page 8, line 31, strike the new matter.  
 8 3. On page 9, line 1, strike the new matter and insert "The petition  
 9 and affidavit shall be deemed to have been offered into evidence at any  
 10 show-cause hearing. The petition and affidavit shall be admitted into  
 11 evidence unless specifically excluded by the court".

Senator Quick filed the following amendment to LB149:  
 AM1679

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 28-1418 Whoever, being a person ~~minor~~ under the age of nineteen  
 6 ~~eighteen~~ years, shall smoke cigarettes or cigars, use electronic nicotine  
 7 delivery systems ~~vapor products~~ or alternative nicotine products, or use  
 8 tobacco in any form whatever, in this state, shall be guilty of a Class V  
 9 misdemeanor. Any person ~~minor~~ charged with a violation of this section  
 10 may be free from prosecution if he or she furnishes evidence for the  
 11 conviction of the person or persons selling or giving him or her the  
 12 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,  
 13 alternative nicotine products, or tobacco.  
 14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:  
 16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:  
 17 (1) Alternative nicotine product means any noncombustible product  
 18 containing nicotine that is intended for human consumption, whether  
 19 chewed, absorbed, dissolved, or ingested by any other means. Alternative

20 nicotine product does not include any electronic nicotine delivery  
 21 systems vapor product, cigarette, cigar, or other tobacco product, or any  
 22 product regulated as a drug or device by the United States Food and Drug  
 23 Administration under Chapter V of the Federal federal Food, Drug, and  
 24 Cosmetic Act;

25 (2) Cigarette means any product that contains nicotine, is intended  
 26 to be burned or heated under ordinary conditions of use, and consists of  
 27 or contains (a) any roll of tobacco wrapped in paper or in any substance  
 1 not containing tobacco, (b) tobacco, in any form, that is functional in  
 2 the product which, because of its appearance, the type of tobacco used in  
 3 the filler, or its packaging and labeling, is likely to be offered to, or  
 4 purchased by, consumers as a cigarette, or (c) any roll of tobacco  
 5 wrapped in any substance containing tobacco which, because of its  
 6 appearance, the type of tobacco used in the filler, or its packaging and  
 7 labeling, is likely to be offered to, or purchased by, consumers as a  
 8 cigarette described in subdivision (2)(a) of this section;

9 (3)(a) Electronic nicotine delivery system means any product or  
 10 device containing nicotine, tobacco, or tobacco derivatives that employs  
 11 a heating element, power source, electronic circuit, or other electronic,  
 12 chemical, or mechanical means, regardless of shape or size, to simulate  
 13 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
 14 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
 15 product or device.

16 (b) Electronic nicotine delivery system includes, but is not limited  
 17 to, the following:

18 (i) Any substance containing nicotine, tobacco, or tobacco  
 19 derivatives, whether sold separately or sold in combination with a  
 20 product or device that is intended to deliver to a person nicotine,  
 21 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
 22 form;

23 (ii) Any product or device marketed, manufactured, distributed, or  
 24 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
 25 electronic pipe, electronic hookah, or similar products, names,  
 26 descriptors, or devices; and

27 (iii) Any component, part, or accessory of such a product or device  
 28 that is used during operation of the product or device when sold in  
 29 combination with any substance whether or not it contains nicotine,  
 30 tobacco, or tobacco derivatives.

31 (c) Electronic nicotine delivery system does not include an  
 1 alternative nicotine product, cigarette, cigar, or other tobacco product,  
 2 or any product regulated as a drug or device by the United States Food  
 3 and Drug Administration under Chapter V of the Federal Food, Drug, and  
 4 Cosmetic Act;

5 (4) (2) Self-service display means a retail display that contains a  
 6 tobacco product, a tobacco-derived product, an electronic nicotine  
 7 delivery system a vapor product, or an alternative nicotine product and  
 8 is located in an area openly accessible to a retailer's customers and  
 9 from which such customers can readily access the product without the  
 10 assistance of a salesperson. Self-service display does not include a

11 display case that holds tobacco products, electronic nicotine delivery  
12 systems ~~vapor products~~, or alternative nicotine products behind locked  
13 doors; and

14 ~~(5) (3)~~ Tobacco specialty store means a retail store that (a)  
15 derives at least seventy-five percent of its revenue from tobacco  
16 products, tobacco-derived products, electronic nicotine delivery systems  
17 ~~vapor products~~, or alternative nicotine products and (b) does not permit  
18 persons ~~minors~~ under the age of nineteen ~~eighteen~~ years to enter the  
19 premises unless accompanied by a parent or legal guardian; and

20 ~~(4) Vapor product means any noncombustible product containing~~  
21 ~~nicotine that employs a heating element, power source, electronic~~  
22 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~  
23 ~~of shape or size, that can be used to produce vapor from nicotine in a~~  
24 ~~solution or other form. Vapor product includes any electronic cigarette,~~  
25 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~  
26 ~~product or device and any vapor cartridge or other container of nicotine~~  
27 ~~in a solution or other form that is intended to be used with or in an~~  
28 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~  
29 ~~pipe, or similar product or device. Vapor product does not include an~~  
30 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~  
31 ~~or any product regulated as a drug or device by the United States Food~~  
1 and Drug Administration under Chapter V of the federal Food, Drug, and  
2 Cosmetic Act.

3 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 28-1419 Whoever shall sell, give, or furnish, in any way, any  
6 tobacco in any form whatever, or any cigarettes, cigarette paper,  
7 electronic nicotine delivery systems ~~vapor products~~, or alternative  
8 nicotine products, to any person ~~minor~~ under nineteen ~~eighteen~~ years of  
9 age, is guilty of a Class III misdemeanor for each offense.

10 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 28-1420 It shall be unlawful for any person, partnership, limited  
13 liability company, or corporation to sell, keep for sale, or give away in  
14 course of trade, any cigars, tobacco, cigarettes, electronic nicotine  
15 delivery systems, or cigarette material to anyone without first obtaining  
16 a license as provided in sections 28-1421 and 28-1422. It shall also be  
17 unlawful for any wholesaler to sell or deliver any cigars, tobacco,  
18 cigarettes, electronic nicotine delivery systems, or cigarette material  
19 to any person, partnership, limited liability company, or corporation  
20 who, at the time of such sale or delivery, is not the recipient of a  
21 valid tobacco license for the current year to retail the same as provided  
22 in such sections. It shall also be unlawful for any person, partnership,  
23 limited liability company, or corporation to purchase or receive, for  
24 purposes of resale, any cigars, tobacco, cigarettes, electronic nicotine  
25 delivery systems, or cigarette material if such person, partnership,  
26 limited liability company, or corporation is not the recipient of a valid  
27 tobacco license to retail such tobacco products at the time the same are  
28 purchased or received. Whoever shall be found guilty of violating this

29 section shall be guilty of a Class III misdemeanor for each offense.

30 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 28-1421 Licenses for the sale of cigars, tobacco, cigarettes,  
2 electronic nicotine delivery systems, and cigarette material to persons  
3 nineteen years of age or over ~~the age of eighteen years~~ shall be issued  
4 to individuals, partnerships, limited liability companies, and  
5 corporations by the clerk or finance director of any city or village and  
6 by the county clerk of any county upon application duly made as provided  
7 in section 28-1422. The sale of cigarettes or cigarette materials that  
8 contain perfumes or drugs in any form is prohibited and is not licensed  
9 by the provisions of this section. Only cigarettes and cigarette material  
10 containing pure white paper and pure tobacco shall be licensed.

11 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 28-1423 The term for which such license shall run shall be from the  
14 date of filing such application and paying such license fee to and  
15 including December 31 of the calendar year in which application for such  
16 license is made, and the license fee for any person, partnership, limited  
17 liability company, or corporation selling at retail shall be twenty-five  
18 dollars in cities of the metropolitan class, fifteen dollars in cities of  
19 the primary and first classes, and ten dollars in cities of all other  
20 classes and in towns and villages and in locations outside of the limits  
21 of cities, towns, and villages. Any person, partnership, limited  
22 liability company, or corporation selling annually in the aggregate more  
23 than one hundred fifty thousand cigars, packages of cigarettes,  
24 electronic nicotine delivery systems, and packages of tobacco in any  
25 form, at wholesale, shall pay a license fee of one hundred dollars, and  
26 if such combined annual sales amount to less than one hundred fifty  
27 thousand cigars, packages of cigarettes, electronic nicotine delivery  
28 systems, and packages of tobacco, the annual license fee shall be fifteen  
29 dollars. No wholesaler's license shall be issued in any year on a less  
30 basis than one hundred dollars per annum unless the applicant for the  
31 same shall file with such application a statement duly sworn to by  
1 himself or herself, or if applicant is a partnership, by a member of the  
2 firm, or if a limited liability company, by a member or manager of the  
3 company, or if a corporation, by an officer or manager thereof, that in  
4 the past such wholesaler's combined sales of cigars, packages of  
5 cigarettes, electronic nicotine delivery systems, and packages of tobacco  
6 in every form have not exceeded in the aggregate one hundred fifty  
7 thousand annually, and that such sales will not exceed such aggregate  
8 amount for the current year for which the license is to issue. Any person  
9 swearing falsely in such affidavit shall be guilty of perjury and upon  
10 conviction thereof shall be punished as provided by section 28-915 and  
11 such wholesaler's license shall be revoked until the full license fee of  
12 one hundred dollars is paid. If application for license is made after  
13 July 1 of any calendar year, the fee shall be one-half of the fee  
14 provided in this section.

15 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is

16 amended to read:

17 28-1424 The license, provided for in sections 28-1421 and 28-1422  
18 ~~shall~~, when issued, ~~shall~~ authorize the sale of cigars, tobacco,  
19 cigarettes, electronic nicotine delivery systems, and cigarette material  
20 by the licensee and employees; to persons nineteen years of age or over  
21 ~~the age of eighteen years~~, at the place of business described in such  
22 license for the term therein authorized, unless the license is same be  
23 forfeited as provided in section 28-1425.

24 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 28-1425 Any licensee who shall sell, give, or furnish in any way to  
27 any person under the age of nineteen ~~eighteen~~ years, or who shall  
28 willingly allow to be taken from his or her place of business by any  
29 person under the age of nineteen ~~eighteen~~ years, any cigars, tobacco,  
30 cigarettes, cigarette material, electronic nicotine delivery systems  
31 ~~vapor products~~, or alternative nicotine products is guilty of a Class III  
1 misdemeanor. Any officer, director, or manager having charge or control,  
2 either separately or jointly with others, of the business of any  
3 corporation which violates sections 28-1419 ~~28-1418.01~~, 28-1420 to  
4 28-1429, and 28-1429.03, if he or she has knowledge of such violation,  
5 shall be subject to the penalties provided in this section. In addition  
6 to the penalties provided in this section, such licensee shall be subject  
7 to the additional penalty of a revocation and forfeiture of his, her,  
8 their, or its license, at the discretion of the court before whom the  
9 complaint for violation of such sections may be heard. If such license is  
10 revoked and forfeited, all rights under such license shall at once cease  
11 and terminate.

12 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 28-1427 Any person under the age of nineteen ~~eighteen~~ years who  
15 ~~obtains~~ ~~shall obtain~~ cigars, tobacco, cigarettes, cigarette material,  
16 electronic nicotine delivery systems ~~vapor products~~, or alternative  
17 nicotine products from a licensee by representing that he or she is of  
18 the age of nineteen ~~eighteen~~ years or over is guilty of a Class V  
19 misdemeanor.

20 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22 28-1429.01 The Legislature finds that the incumbent health risks  
23 associated with using smoking tobacco products have been scientifically  
24 proven. The Legislature further finds that the growing number of young  
25 people minors who start using tobacco products ~~smoking~~ is staggering, and  
26 even more abhorrent are the ages at which such use begins ~~children begin~~  
27 ~~this deadly habit~~. The Legislature has established an age restriction on  
28 the use of tobacco products ~~by minors~~. To ensure that the use of tobacco  
29 products among young people minors is discouraged to the maximum extent  
30 possible, it is the intent of the Legislature to ban the use of vending  
31 machines and similar devices to dispense tobacco products in facilities,  
1 buildings, or areas which are open to the general public within Nebraska.

2 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 28-1429.02 (1) Except as provided in subsection (2) of this section,  
5 it shall be unlawful to dispense cigarettes, other tobacco products,  
6 electronic nicotine delivery systems ~~vapor products~~, or alternative  
7 nicotine products from a vending machine or similar device. Any person  
8 violating this section is guilty of a Class III misdemeanor. In addition,  
9 upon conviction for a second offense, the court shall order a six-month  
10 suspension of the offender's license to sell tobacco and electronic  
11 nicotine delivery systems, if any, and, upon conviction for a third or  
12 subsequent offense, the court shall order the permanent revocation of the  
13 offender's license to sell tobacco and electronic nicotine delivery  
14 systems, if any.

15 (2) Cigarettes, other tobacco products, electronic nicotine delivery  
16 systems ~~vapor products~~, or alternative nicotine products may be dispensed  
17 from a vending machine or similar device when such machine or device is  
18 located in an area, office, business, plant, or factory which is not open  
19 to the general public or on the licensed premises of any establishment  
20 having a license issued under the Nebraska Liquor Control Act for the  
21 sale of alcoholic liquor for consumption on the premises when such  
22 machine or device is located in the same room in which the alcoholic  
23 liquor is dispensed.

24 (3) Nothing in this section shall be construed to restrict or  
25 prohibit a governing body of a city or village from establishing and  
26 enforcing ordinances at least as stringent as or more stringent than the  
27 provisions of this section.

28 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,  
29 is amended to read:

30 28-1429.03 (1) Except as provided in subsection (2) of this section  
31 and section 28-1429.02, it shall be unlawful to sell or distribute  
1 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,  
2 alternative nicotine products, or tobacco in any form whatever through a  
3 self-service display. Any person violating this section is guilty of a  
4 Class III misdemeanor. In addition, upon conviction for a second or  
5 subsequent offense within a twelve-month period, the court shall order a  
6 six-month suspension of the license issued under section 28-1421.

7 (2) Cigarettes, cigars, electronic nicotine delivery systems ~~vapor~~  
8 ~~products~~, alternative nicotine products, or tobacco in any form whatever  
9 may be sold or distributed in a self-service display that is located in a  
10 tobacco specialty store or cigar shop as defined in section 53-103.08.

11 Sec. 13. This act becomes operative on January 1, 2020.

12 Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,  
13 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and  
14 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Bolz filed the following amendment to LB583:

AM1454

1 1. Insert the following new section:

2 Section 1. Section 23-120, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 23-120 (1) The county board (a) shall, pursuant to a two-thirds  
5 majority vote of the members of the board, acquire, purchase, construct,  
6 renovate, remodel, furnish, equip, add to, improve, or provide a suitable  
7 courthouse, jail, and other county buildings and a site or sites  
8 therefor. (b) may, pursuant to a two-thirds majority vote of the members  
9 of the board and a declaration by resolution that an emergency exists,  
10 repair, retrofit, reconstruct, or replace any bridge owned by the county  
11 which is (i) destroyed or damaged as a result of a natural disaster for  
12 which a federal disaster declaration was issued by the President of the  
13 United States or (ii) designated as scour critical or structurally  
14 deficient pursuant to Department of Transportation standards, and (c)  
15 may, for such purposes borrow money and issue the bonds of the county to  
16 pay for the same. Agreements entered into under section 25-412.03 shall  
17 be deemed to be in compliance with this section. The board shall keep  
18 such buildings and bridges in repair and provide suitable rooms and  
19 offices for the accommodation of the several courts of record, Nebraska  
20 Workers' Compensation Court or any judge thereof, Commissioner of Labor  
21 for the conduct and operation of the state free employment service,  
22 county board, county clerk, county treasurer, county sheriff, clerk of  
23 the district court, county surveyor, county agricultural agent, and  
24 county attorney if the county attorney holds his or her office at the  
25 county seat and shall provide suitable furniture and equipment therefor.  
26 All such courts which desire such accommodation shall be suitably housed  
27 in the courthouse.

1 (2) No levy exceeding (a) two million dollars in counties having in  
2 excess of two hundred fifty thousand inhabitants, (b) one million dollars  
3 in counties having in excess of one hundred thousand inhabitants and not  
4 in excess of two hundred fifty thousand inhabitants, (c) three hundred  
5 thousand dollars in counties having in excess of thirty thousand  
6 inhabitants and not in excess of one hundred thousand inhabitants, or (d)  
7 one hundred fifty thousand dollars in all other counties shall be made  
8 within a one-year period for any of the purposes specified in subsection  
9 (1) of this section without first submitting the proposition to a vote of  
10 the people of the county at a general election or a special election  
11 ordered by the board for that purpose and obtaining the approval of a  
12 majority of the legal voters thereon.

13 (3)(a) The county board of any county in this state may, when  
14 requested so to do by petition signed by at least a majority of the legal  
15 voters in the county based on the average vote of the two preceding  
16 general elections, make an annual levy of not to exceed seventeen and  
17 five-tenths cents on each one hundred dollars upon the taxable value of  
18 all the taxable property in the county for any of the purposes specified  
19 in subsection (1) of this section.

20 (b) If a county on the day it first initiates a project for any of  
21 the purposes specified in subsection (1) of this section had no bonded  
22 indebtedness payable from its general fund levy, the county board may  
23 make an annual levy of not to exceed five and two-tenths cents on each  
24 one hundred dollars upon the taxable value of all the taxable property of  
25 the county for a project or projects for any of the purposes specified in

26 subsection (1) of this section without the filing of a petition described  
27 in subdivision (3)(a) of this section. The county board shall designate  
28 the particular project for which such levy shall be expended, the period  
29 of years, which shall not exceed twenty, for which the tax will be levied  
30 for such project, and the number of cents of the levy for each year  
31 thereof. The county board may designate more than one project and levy a  
1 tax pursuant to this section for each such project, concurrently or  
2 consecutively, as the case may be, if the aggregate levy in each year and  
3 the duration of each levy will not exceed the limitations specified in  
4 this subsection. Each levy for a project which is authorized by this  
5 subdivision may be imposed for such duration specified by the county  
6 board notwithstanding the contemporaneous existence or subsequent  
7 imposition of any other levy or levies for another project or projects  
8 imposed pursuant to this subdivision and notwithstanding the subsequent  
9 issuance by the county of bonded indebtedness payable from its general  
10 fund levy.

11 2. Renumber the remaining sections and correct the repealer  
12 accordingly.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 119.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities. The issues addressed by this interim study shall include, but not be limited to:

(1) Current procedures for the disconnection of real property from cities of the first class under section 16-129 and cities of the second class and villages under section 17-414;

(2) The proposed language for detachment of real property from municipalities under LB 197 (2019); and

(3) Potential impacts of the disconnection or detachment of real property from municipalities, including the impact of disconnection or detachment on the service territory of electric utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 120.** Introduced by Scheer, 19.

WHEREAS, Teresa McDermott has spent thirty-two years in the classroom, including twenty-two at Saint Robert Bellarmine in Omaha; and

WHEREAS, when she was first out of college, Mrs. McDermott taught first grade before taking time to raise her children; and

WHEREAS, Mrs. McDermott returned to work with Scholastic Books, encouraging students to read; and

WHEREAS, Mrs. McDermott then began teaching preschool at Saint Robert Bellarmine Catholic School; and

WHEREAS, as a teacher, Mrs. McDermott has had an impact educating over 1,600 students; and

WHEREAS, Mrs. McDermott is retiring from teaching; and

WHEREAS, dedicated teachers, like Mrs. McDermott, and motivated students are key to our state's future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Teresa McDermott on her distinguished career in education and her retirement.

2. That a copy of this resolution be sent to Teresa McDermott.

Laid over.

**LEGISLATIVE RESOLUTION 121.** Introduced by Vargas, 7; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Nebraska is suffering from an unprecedented natural disaster caused by blizzard conditions, widespread flooding, and high winds, which is profoundly affecting the livelihoods and living conditions of residents; and

WHEREAS, service to others is a hallmark of the character demonstrated by Nebraskans. Throughout history, neighbors have stepped up to meet challenges by volunteering in their communities, counties, regions, state, and country; and

WHEREAS, the mission of the Corporation for National and Community Service, which administers AmeriCorps, Senior Corps, and Disaster Services Unit programs, is "To improve lives, strengthen communities, and foster civic engagement through service and volunteering"; and

WHEREAS, AmeriCorps and Senior Corps also help communities across the country prepare for, respond to, and recover from natural and man-made disasters; and

WHEREAS, ServeNebraska is an affiliate of the Corporation for National and Community Service and has a mission of "Mobilizing Nebraskans to strengthen their communities through volunteering, collaboration, and national service programs"; and

WHEREAS, The Disaster Services Unit leads coordinated and collaborative disaster-related efforts with federal, state, and local governments, nonprofits, faith-based and philanthropic organizations, and other partners; and

WHEREAS, AmeriCorps programs do more than move communities forward, they serve their members by creating jobs and providing pathways to opportunity as participants enter the workforce. AmeriCorps places people into intensive service positions where they learn valuable skills, earn money for education, and develop a strong sense of civic responsibility; and

WHEREAS, AmeriCorps and Senior Corps teams from across the country have arrived to support recovery and relief efforts throughout Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and thanks AmeriCorps and Senior Corps for the rapid response and for serving alongside Nebraskans in this time of need, offering their talents, their passion for service, and their commitment and dedication to serving our country at all times.

2. That the Legislature encourages all people to serve in a manner that has meaning and value to them personally and to their families, communities, state, and country.

Laid over.

**LEGISLATIVE RESOLUTION 122.** Introduced by Vargas, 7.

WHEREAS, Juliana Rodriguez of Omaha presented her research on the surface interaction of different types of E. coli on hydrophobic and hydrophilic salines on April 16, 2019, at the Undergraduate Creative Activities and Research Experience Capitol Poster presentation; and

WHEREAS, Juliana was a recipient of a top poster award at the presentation; and

WHEREAS, Juliana is a junior majoring in biological systems engineering at the University of Nebraska-Lincoln and a McNair Scholar; and

WHEREAS, Juliana's research project, "Surface Interaction of Antibiotic Resistant Bacteria: An Effective Step Towards Robust Biosensor Development" represents progress toward the future creation of a detector for antibiotic resistance; and

WHEREAS, Juliana is a first-generation college student who intends to pursue further education in the biological engineering field; and

WHEREAS, Juliana is a motivated, intelligent, and focused Omahan who is determined to make a lasting impact in the scientific community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Juliana Rodriguez on her scientific and educational achievements.
2. That a copy of the resolution be sent to Juliana Rodriguez.

Laid over.

**LEGISLATIVE RESOLUTION 123.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to assess the readiness of correctional facilities to implement the provisions of LB258 (2018) by its operative date of July 1, 2020, and the progress facilities have made in implementing the new requirements.

LB258 (2018) was passed to ensure that the Department of Correctional Services provide prisoners with an opportunity to obtain a state identification card or renew a motor vehicle operator's license prior to discharge from a correctional facility. The intent of the bill was to assist former prisoners reentering society, transitioning to a productive life, and obtaining employment.

This interim study shall also explore whether the state should provide assistance in obtaining other basic government-issued documents, such as birth certificates, that can assist prisoners who are transitioning from incarceration into the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 124.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public.

Research shows that most young people do not understand their right to counsel and right to remain silent when they are taken into custody and questioned. Young people are also more susceptible than adults to certain interrogation tactics by authority figures and more likely to give false information. Therefore, procedures tailored to the unique needs and circumstances of young people are required to ensure their rights are protected and the information they give under questioning is accurate.

Including a parent or attorney in the interrogation process is a policy option many states have introduced to address this issue. Other options include video recording of juvenile interrogations, requiring the provision of simplified advisements before interrogations, or changing certain procedures during interrogations.

The interim study shall include, but not be limited to:

- (1) A review of recent scientific literature and court rulings on custodial interrogations of juveniles, including the impact of procedural changes intended to protect the rights of juveniles;
- (2) A review of current law enforcement policies and practices used in conducting custodial interrogations of juveniles; and
- (3) An examination of best practices and policy options available to ensure that the right to counsel and right to remain silent during custodial interrogations are protected for juveniles and that all waivers of such rights are made knowingly and voluntarily.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Lowe name added to LR118.

#### **WITHDRAW - Cointroducer(s)**

Senator Halloran name withdrawn from LB720.

#### **VISITOR(S)**

Visitors to the Chamber were Mrs. Nebraska, Adair Reese, from Grant and Miss Nebraska for America, Kara Kriha, from Ravenna; students from St. Philip Neri Catholic School, Omaha; members of Serve Nebraska/Americorps from across the state; students and teachers from Brady Public School; students, teachers, and sponsors from St. Patrick Catholic School, McCook; and students from Rockwell Elementary School, Millard.

**ADJOURNMENT**

At 11:07 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Monday, May 13, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-FIFTH DAY - MAY 13, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 13, 2019

**PRAYER**

The prayer was offered by Father Ryan Lewis, Holy Ghost Catholic Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Howard and Stinner who were excused; and Senators Bolz, Cavanaugh, DeBoer, Groene, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 109.** Placed on General File.

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 600A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 86A.** Advanced to Enrollment and Review for Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 96.**

A BILL FOR AN ACT relating to building codes; to amend sections 71-6404 and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to local building and construction codes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Arch	Crawford	Hilgers	Lindstrom	Quick
Blood	Dorn	Hilkemann	Linehan	Scheer
Bostelman	Friesen	Hughes	McCollister	Slama
Brandt	Geist	Hunt	McDonnell	Vargas
Brewer	Gragert	Kolowski	Morfeld	Walz
Briese	Halloran	Kolterman	Moser	Williams
Chambers	Hansen, B.	La Grone	Murman	Wishart
Clements	Hansen, M.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Albrecht	Erdman	Lowe
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Excused and not voting, 7:

Bolz	DeBoer	Howard	Wayne
Cavanaugh	Groene	Stinner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Crawford	Hilgers	Linehan	Scheer
Arch	Dorn	Hilkemann	Lowe	Slama
Blood	Erdman	Hughes	McCollister	Vargas
Bostelman	Friesen	Hunt	McDonnell	Walz
Brandt	Geist	Kolowski	Morfeld	Wayne
Brewer	Gragert	Kolterman	Moser	Williams
Briese	Halloran	La Grone	Murman	Wishart
Chambers	Hansen, B.	Lathrop	Pansing Brooks	
Clements	Hansen, M.	Lindstrom	Quick	

Voting in the negative, 0.

Excused and not voting, 6:

Bolz	DeBoer	Howard
Cavanaugh	Groene	Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB184 with 36 ayes, 5 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 184.**

A BILL FOR AN ACT relating to telecommunications and technology; to amend the Small Wireless Facilities Deployment Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, M.	Lindstrom	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	Dorn	Hilkemann	Lowe	Slama
Bostelman	Erdman	Hughes	McCollister	Vargas
Brandt	Friesen	Hunt	McDonnell	Walz
Brewer	Geist	Kolowski	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh	Halloran	La Grone	Murman	Wishart
Chambers	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz            DeBoer            Groene            Howard            Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 375.**

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to documents which may be withheld from the public; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hansen, M.	Lindstrom	Quick
Arch	Dorn	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Brewer	Gragert	Kolowski	Morfeld	Wayne
Briese	Groene	Kolterman	Moser	Williams
Chambers	Halloran	La Grone	Murman	Wishart
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 4:

Bolz            DeBoer            Howard            Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB411 with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 411.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 18-2515, 23-149, 23-202, 23-293, 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903, 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes Cumulative Supplement, 2018; to name, change, and transfer provisions regarding the county civil service commission; to change provisions relating to metropolitan utilities districts, initiative and referendum petitions, municipal economic development programs, county boards, county organization, sanitary and improvement districts, election provisions, recall provisions, conflicts of interest, and penalty provisions for violations relating to political accountability and disclosure; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Vargas
Blood	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz            Howard            Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB418 with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 418.**

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised Statutes Cumulative Supplement, 2018; to provide for settlement of claims of alien dependents, define a term, provide for applicability of changes, change provisions relating to claims, and prohibit debt collection while a matter is pending before the Nebraska Workers' Compensation Court as prescribed under the Nebraska Workers' Compensation Act; to change provisions relating to tort claims against the state; to change provisions relating to the State Self-Insured Liability Fund and state vehicles; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Blood	Crawford	Hilkemann	Lindstrom	Scheer
Bostelman	DeBoer	Hughes	McCollister	Slama
Brandt	Dorn	Hunt	McDonnell	Vargas
Briese	Friesen	Kolowski	Morfeld	Walz
Cavanaugh	Geist	Kolterman	Moser	Wayne
Chambers	Hansen, M.	La Grone	Pansing Brooks	Williams
Clements	Hilgers	Lathrop	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Albrecht	Erdman	Halloran	Lowe
Arch	Gragert	Hansen, B.	Murman
Brewer	Groene	Linehan	

Excused and not voting, 3:

Bolz            Howard            Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 478.** With Emergency Clause.

A BILL FOR AN ACT relating to rules of evidence; to amend section 27-412, Reissue Revised Statutes of Nebraska; to prohibit evidence of a minor's consent in any civil proceeding involving certain alleged sex offenses; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Vargas
Blood	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz            Howard            Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB560 with 32 ayes, 7 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 560.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, M.	Linehan	Slama
Arch	Crawford	Hilgers	Lowe	Vargas
Blood	DeBoer	Hilkemann	McCollister	Walz
Bolz	Dorn	Hughes	McDonnell	Wayne
Bostelman	Erdman	Hunt	Morfeld	Williams
Brandt	Friesen	Kolowski	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Howard          Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 570.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative Supplement, 2018; to change transfers to the Nebraska Health Care Cash Fund; to restate legislative intent; to change provisions regarding the strategic plan for providing services to persons with disabilities as prescribed; to provide

powers and duties; to require reports; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Albrecht	Chambers	Hansen, B.	Lathrop	Quick
Arch	Clements	Hansen, M.	Lindstrom	Scheer
Blood	Crawford	Hilgers	Linehan	Slama
Bolz	DeBoer	Hilkemann	McCollister	Vargas
Bostelman	Dorn	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Groene	Lowe
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Excused and not voting, 2:

Howard	Stinner
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 570A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; to reduce an appropriation as prescribed; to state intent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	La Grone	Pansing Brooks
Arch	Clements	Hansen, B.	Lathrop	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Scheer
Bolz	DeBoer	Hilgers	Linehan	Slama
Bostelman	Dorn	Hilkemann	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman            Lowe

Excused and not voting, 2:

Howard            Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB595 with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 595.**

A BILL FOR AN ACT relating to alternative dispute resolution; to amend sections 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2908, 25-2909, 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918, 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04, 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue Revised Statutes of Nebraska, sections 43-274 and 43-286, Revised Statutes Cumulative Supplement, 2018, and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019; to restate legislative findings; to define and redefine terms; to change provisions relating to the qualifications of the Director of the Office of Dispute Resolution, the membership of the Advisory Council on Dispute Resolution, and the office's and director's duties; to change provisions relating to approved centers, cases accepted for restorative justice and dispute resolution, and qualifications of mediators and restorative justice

facilitators; to provide a privilege for communications made in restorative justice as prescribed; to provide for immunity and reparation plan agreements; to change provisions relating to tolling of statutes of limitations, an annual report, and legislative intent regarding a fund; to provide for restorative justice in juvenile cases as prescribed; to authorize referrals to restorative justice practices or services for compulsory attendance collaborative plans and under the Student Discipline Act; to provide for licensed attorneys to serve as parenting plan mediators; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Vargas
Bolz	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Howard           Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB155 to Select File**

Senator Wayne moved to return LB155 to Select File for his specific amendment, AM1611, found on page 1440.

Senator Wayne withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 155.**

A BILL FOR AN ACT relating to privately developed renewable energy

generation facilities; to amend sections 70-1014.02 and 70-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Halloran	Lathrop	Pansing Brooks
Arch	Crawford	Hansen, B.	Lindstrom	Quick
Blood	DeBoer	Hansen, M.	Linehan	Scheer
Bolz	Dorn	Hilgers	Lowe	Slama
Bostelman	Erdman	Hilkemann	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Kolowski	Morfeld	Williams
Briese	Gragert	Kolterman	Moser	Wishart
Chambers	Groene	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh    Hunt            Walz

Excused and not voting, 2:

Howard        Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 96, 179, 184, 375, 411, 418, 478, 560, 570, 570A, 595, and 155.

#### **SELECT FILE**

**LEGISLATIVE BILL 600.** ER92, found on page 1329, was adopted.

Senator Bolz withdrew her amendments, AM1483 and AM1575, found on pages 1337 and 1401.

Senator Bolz offered the following amendment:  
AM1650 is available in the Bill Room.

Senator Bolz moved for a call of the house. The motion prevailed with 19

ayes, 6 nays, and 24 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 28:

Blood	Dorn	Kolowski	McDonnell	Walz
Bolz	Hansen, B.	Kolterman	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	La Grone	Quick	Williams
Chambers	Hilgers	Lathrop	Scheer	Wishart
Crawford	Hilkemann	Lindstrom	Slama	
DeBoer	Hunt	McCollister	Vargas	

Voting in the negative, 3:

Albrecht	Low	Moser
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Present and not voting, 15:

Arch	Brewer	Erdman	Gragert	Hughes
Bostelman	Briese	Friesen	Groene	Linehan
Brandt	Clements	Geist	Halloran	Murman

Excused and not voting, 3:

Howard	Morfeld	Stinner
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The Bolz amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 538.** ER84, found on page 1197, was adopted.

Senator Lathrop withdrew his amendment, AM1544, found on page 1355.

Senator Lathrop offered the following amendment:  
AM1768

(Amendments to AM1278)

- 1 1. Insert the following new sections:
- 2 Sec. 4. No cash device shall be operated using a credit card,
- 3 charge card, or debit card. No person under nineteen years of age shall
- 4 play or participate in any way in the operation of a cash device. No
- 5 operator or employee or agent of any operator shall knowingly permit any
- 6 individual under nineteen years of age to play or participate in any way
- 7 in the operation of a cash device.
- 8 Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, as

9 amended by section 2, Legislative Bill 237, One Hundred Sixth  
10 Legislature, First Session, 2019, is amended to read:  
11 77-5601 (1) From August 1, 2004, through October 31, 2004, there  
12 shall be conducted a tax amnesty program with regard to taxes due and  
13 owing that have not been reported to the Department of Revenue. Any  
14 person applying for tax amnesty shall pay all unreported taxes that were  
15 due on or before April 1, 2004. Any person that applies for tax amnesty  
16 and is accepted by the Tax Commissioner shall have any penalties and  
17 interest waived on unreported and delinquent taxes notwithstanding any  
18 other provisions of law to the contrary.

19 (2) To be eligible for the tax amnesty provided by this section, the  
20 person shall apply for amnesty within the amnesty period, file a return  
21 for each taxable period for which the amnesty is requested by December  
22 31, 2004, if no return has been filed, and pay in full all taxes for  
23 which amnesty is sought with the return or within thirty days after the  
24 application if a return was filed prior to the amnesty period. Tax  
25 amnesty shall not be available for any person that is under civil or  
26 criminal audit, investigation, or prosecution for unreported or  
1 delinquent taxes by this state or the United States Government on or  
2 before April 16, 2004.

3 (3) The department shall not seek civil or criminal prosecution  
4 against any person for any taxable period for which amnesty has been  
5 granted. The Tax Commissioner shall develop forms for applying for the  
6 tax amnesty program, develop procedures for qualification for tax  
7 amnesty, and conduct a public awareness campaign publicizing the program.

8 (4) If a person elects to participate in the amnesty program, the  
9 election shall constitute an express and irrevocable relinquishment of  
10 all administrative and judicial rights to challenge the imposition of the  
11 tax or its amount. Nothing in this section shall prohibit the department  
12 from adjusting a return as a result of any state or federal audit.

13 (5)(a) Except for any local option sales tax collected and returned  
14 to the appropriate municipality and any motor vehicle fuel, diesel fuel,  
15 and compressed fuel taxes, which shall be deposited in the Highway Trust  
16 Fund or Highway Allocation Fund as provided by law, no less than eighty  
17 percent of all revenue received pursuant to the tax amnesty program shall  
18 be deposited in the General Fund; and ten percent, not to exceed five  
19 hundred thousand dollars, shall be deposited in the Department of Revenue  
20 Enforcement Fund; and ten percent, not to exceed five hundred thousand  
21 dollars, shall be deposited in the Department of Revenue Enforcement  
22 Technology Fund. Any amount that would otherwise be deposited in the  
23 Department of Revenue Enforcement Fund or the Department of Revenue  
24 Enforcement Technology Fund that is in excess of the five-hundred-  
25 thousand-dollar limitation shall be deposited in the General Fund.

26 (b) For fiscal year 2005-06, all proceeds in the Department of  
27 Revenue Enforcement Fund shall be appropriated to the department for  
28 purposes of employing investigators, agents, and auditors and otherwise  
29 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.  
30 ~~For fiscal year 2005-06, all proceeds in the Department of Revenue~~  
31 ~~Enforcement Technology Fund shall be appropriated to the department for~~

~~1 the purposes of acquiring lists, software, programming, computer~~  
~~2 equipment, and other technological methods for enforcing the act.~~  
 3 (c) For fiscal years after fiscal year 2005-06, twenty percent of  
 4 all proceeds received during the previous calendar year due to the  
 5 efforts of auditors and investigators hired pursuant to subdivision (5)  
 6 (b) of this section, not to exceed seven hundred fifty thousand dollars,  
 7 shall be deposited in the Department of Revenue Enforcement Fund for  
 8 purposes of employing investigators and auditors or continuing such  
 9 employment for purposes of increasing enforcement of the act.  
 10 (d) Ten percent of all proceeds received during each calendar year  
 11 due to the contracts entered into pursuant to section 77-367 shall be  
 12 deposited in the Department of Revenue Enforcement Fund for purposes of  
 13 identifying nonfilers of returns, underreporters, nonpayers of taxes, and  
 14 improper or fraudulent payments.  
 15 (6)(a) The department shall prepare a report by April 1, 2005, and  
 16 by February 1 of each year thereafter detailing the results of the tax  
 17 amnesty program and the subsequent enforcement efforts. For the report  
 18 due April 1, 2005, the report shall include (i) the amount of revenue  
 19 obtained as a result of the tax amnesty program broken down by tax  
 20 program, (ii) the amount obtained from instate taxpayers and from out-of-  
 21 state taxpayers, and (iii) the amount obtained from individual taxpayers  
 22 and from business enterprises.  
 23 (b) For reports due in subsequent years, the report shall include  
 24 (i) the number of personnel hired for purposes of subdivision (5)(b) of  
 25 this section and their duties, (ii) a description of lists, software,  
 26 programming, computer equipment, and other technological methods acquired  
 27 ~~pursuant to such subdivision~~ and the purposes of each, and (iii) the  
 28 amount of new revenue obtained as a result of the new personnel and  
 29 acquisitions during the prior calendar year, broken down into the same  
 30 categories as described in subdivision (6)(a) of this section.  
 31 (7) ~~The Department of Revenue Enforcement Fund is and the Department~~  
~~1 of Revenue Enforcement Technology Fund are created.~~ Transfers may be made  
 2 from the Department of Revenue Enforcement Fund to the General Fund at  
 3 the direction of the Legislature. The Department of Revenue Enforcement  
 4 Fund may receive transfers from the Civic and Community Center  
 Financing  
 5 Fund at the direction of the Legislature for the purpose of administering  
 6 the Sports Arena Facility Financing Assistance Act. The Department of  
 7 Revenue Enforcement Fund shall include any money credited to the fund (a)  
 8 under section 77-2703, and such money shall be used by the Department of  
 9 Revenue to defray the costs incurred to implement Legislative Bill 237,  
 10 One Hundred Sixth Legislature, First Session, 2019, and (b) under the  
 11 Mechanical Amusement Device Tax Act, and such money shall be used by the  
 12 department to defray the costs incurred to implement and enforce this  
 13 legislative bill and any rules and regulations adopted and promulgated to  
 14 carry out this legislative bill ~~this legislative bill~~. Any money in the  
 15 Department of Revenue Enforcement Fund ~~and the Department of Revenue~~  
 16 ~~Enforcement Technology Fund~~ available for investment shall be invested by  
 17 the state investment officer pursuant to the Nebraska Capital Expansion

18 Act and the Nebraska State Funds Investment Act. ~~The Department of~~  
 19 ~~Revenue Enforcement Technology Fund shall terminate on July 1, 2006. Any~~  
 20 ~~unobligated money in the fund at that time shall be deposited in the~~  
 21 ~~General Fund.~~

22 (8) For purposes of this section, taxes mean any taxes collected by  
 23 the department, including, but not limited to state and local sales and  
 24 use taxes, individual and corporate income taxes, financial institutions  
 25 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel  
 26 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

27 2. On page 4, line 26, after the first "a" insert "cash".

28 3. On page 8, after line 17 insert the following new subdivision:

29 "(b) An owner or operator of a retail establishment shall operate no  
 30 more than one cash device for each one thousand square feet of space at  
 31 such establishment up to a maximum of fifteen cash devices."; and in  
 1 lines 16 and 18 strike "(b)" and insert "(c)".

2 4. On page 9, after line 6 insert the following new subsections:

3 "(10)(a) Before any rules and regulations adopted and promulgated to  
 4 carry out this section become effective, any manufacturer, distributor,  
 5 or owner may continue to manufacture, sell, transport, place, possess, or  
 6 enter into a transaction involving (i) cash devices already in operation  
 7 at an establishment as of May 1, 2019, or (ii) other cash devices that  
 8 are functionally identical to those already in operation at an  
 9 establishment as of May 1, 2019.

10 (b) After any rules and regulations adopted and promulgated to carry  
 11 out this section become effective, until any determination of compliance  
 12 or noncompliance by the department, any manufacturer, distributor, or  
 13 owner may continue to manufacture, sell, transport, place, possess, or  
 14 enter into a transaction involving cash devices described in subdivision  
 15 (10)(a) of this section if, within ninety days after the date when any  
 16 such rules and regulations become effective, the manufacturer or  
 17 distributor files an application with the department for such a  
 18 determination.

19 (c) If a manufacturer or distributor receives a determination from  
 20 the department that a device described in subdivision (10)(a) of this  
 21 section is not in compliance with the Mechanical Amusement Device Tax  
 22 Act, such manufacturer or distributor shall have thirty days after the  
 23 issuance of that determination to remove any such device from operation  
 24 in Nebraska.

25 (11) Application fees collected under subsection (2) of this section  
 26 and annual decal fees collected under subsection (8) of this section  
 27 shall be remitted to the State Treasurer for credit to the Department of  
 28 Revenue Enforcement Fund."

29 5. On page 10, line 15, strike "section 3" and insert "sections 3  
 30 and 4"; and in line 19 after the last comma insert "and section 77-5601,  
 31 Reissue Revised Statutes of Nebraska, as amended by section 2,  
 1 Legislative Bill 237, One Hundred Sixth Legislature, First Session,  
 2 2019".

3 6. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment:  
AM1511

(Amendments to AM1278)

1 1. Strike sections 1, 9, and 10 and insert the following new  
2 sections:  
3 Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the Fantasy Contests Act.  
5 Sec. 2. For purposes of the Fantasy Contests Act:  
6 (1) Confidential information means information related to the play  
7 of a fantasy contest obtained by a fantasy contest operator or by an  
8 employee of such operator;  
9 (2) Department means the Department of Revenue;  
10 (3) Entry fee means cash or cash equivalent required to be paid by a  
11 fantasy contest player to a fantasy contest operator in order to  
12 participate in a fantasy contest;  
13 (4) Fantasy contest means any online fantasy or simulated game or  
14 contest with an entry fee required for participation and in which:  
15 (a) The value of all prizes and awards offered to winning fantasy  
16 contest players is established and made known to the fantasy contest  
17 players in advance of the fantasy contest;  
18 (b) All winning outcomes reflect the relative knowledge and skill of  
19 the fantasy contest players and such outcomes are determined by  
20 accumulated statistical results of the performance of individuals,  
21 including athletes in the case of sports events; and  
22 (c) No winning outcome is based on the score, point spread, or  
23 performance of any single actual team or combination of teams or solely  
24 on any single performance of an individual athlete or player in any  
25 single actual event;  
26 (5) Fantasy contest operator means a person that offers a digital  
1 platform for the playing of a fantasy contest, administers one or more  
2 fantasy contests, and awards any prize of value;  
3 (6) Fantasy contest player means a person who pays an entry fee to  
4 participate in a fantasy contest offered by a fantasy contest operator;  
5 (7) Gross fantasy contest revenue means the amount equal to the  
6 total of entry fees that a fantasy contest operator collects from fantasy  
7 contest players less the total of sums paid out as prizes to fantasy  
8 contest players multiplied by the location percentage; and  
9 (8) Location percentage means, for each fantasy contest, the  
10 percentage rounded to the nearest tenth of a percent of the total of  
11 entry fees collected from fantasy contest players located in Nebraska at  
12 the time of entry into the fantasy contest divided by the total entry  
13 fees collected from fantasy contest players in all locations in the  
14 fantasy contest.  
15 Sec. 3. (1) No fantasy contest operator shall offer any fantasy  
16 contest in Nebraska without first registering with the department, except  
17 that a fantasy contest operator may offer a fantasy contest in Nebraska

18 during the period that the application for registration is pending before  
19 the department. An application for registration shall be on an electronic  
20 or paper form prescribed by the department. To be eligible to obtain a  
21 registration to offer a fantasy contest in Nebraska, a fantasy contest  
22 operator shall (a) be authorized to transact business in Nebraska and (b)  
23 pay a registration fee of ten thousand dollars to the department.  
24 (2) On or before each annual anniversary date of the payment made  
25 pursuant to subsection (1) of this section, a fantasy contest operator  
26 shall pay an annual registration renewal fee of six percent of the  
27 fantasy contest operator's gross fantasy contest revenue for the  
28 preceding twelve months to the department. Initial and renewal  
29 registration fees shall be paid in a manner prescribed by the department.  
30 No refunds shall be allowed of any registration fees collected by the  
31 department. Any fantasy contest operator that allows a registration to  
1 lapse without requesting an extension of time to file an application for  
2 renewal shall be required to resubmit an initial registration  
3 application. The department may grant an extension upon receipt of a  
4 written request from a fantasy contest operator.  
5 (3) The department shall remit all registration and renewal fees  
6 collected under this section to the State Treasurer for credit to the  
7 General Fund.  
8 (4) Any fantasy contest operator offering a fantasy contest to  
9 residents of Nebraska prior to the operative date of this section may  
10 continue to offer such fantasy contest until sixty days after an  
11 application for registration is made available to the public by the  
12 department. Except as provided in section 4 of this act, a fantasy  
13 contest operator who has applied for registration during such sixty-day  
14 period may continue to operate while the registration is pending. A  
15 fantasy contest operator who has not registered shall cease operations  
16 within Nebraska by the expiration of the sixty-day period.  
17 Sec. 4. (1) The department shall consider each application filed  
18 for registration and shall issue a valid registration to any applicant  
19 who meets the criteria set forth in the Fantasy Contests Act. The  
20 department shall deny registration to any applicant who does not meet  
21 such criteria.  
22 (2) Any fantasy contest operator applying for initial registration  
23 or renewal of a registration may operate during the period pending  
24 application approval unless the department has reasonable cause to  
25 believe that such operator is or may be in violation of the Fantasy  
26 Contests Act and the department requires such operator to suspend  
27 operation of any fantasy contest until an application for initial  
28 registration or renewal is approved.  
29 (3) The department shall issue or deny a registration application  
30 within sixty days after receipt of the application. If the registration  
31 is not issued, the department shall provide the fantasy contest operator  
1 with the specific justification for not issuing such registration.  
2 (4) Any pending application made under the Fantasy Contests Act  
3 shall not be considered a public record for purposes of sections 84-712  
4 to 84-712.09 until made public by the department pursuant to section 3 of

5 this act.

6 Sec. 5. (1) The department shall adopt and promulgate rules and  
7 regulations to implement and administer the Fantasy Contests Act,  
8 including, but not limited to, rules and regulations:

9 (a) To provide for the prevention of practices detrimental to the  
10 public interest and to safeguard the integrity of fantasy contests; and

11 (b) To establish the necessary scope of review of registration  
12 applications filed by fantasy contest operators.

13 (2) The department shall not adopt and promulgate rules and  
14 regulations limiting or regulating:

15 (a) Game rules governing the play of individual fantasy contests;

16 (b) The statistical components of a fantasy contest; or

17 (c) The digital platform of a fantasy contest operator.

18 Sec. 6. (1) As a condition of registration, a fantasy contest  
19 operator shall submit evidence satisfactory to the department that the  
20 operator has established and implemented or has the ability to implement  
21 commercially reasonable procedures for fantasy contests that:

22 (a) Prevent a fantasy contest operator, any employee of the fantasy  
23 contest operator, and any relative living in the same household as such  
24 fantasy contest operator or employee from participating as a fantasy  
25 contest player in any fantasy contest offered by a fantasy contest  
26 operator;

27 (b) Prevent the sharing of confidential information with third  
28 parties that could affect fantasy contest play until the information is  
29 made publicly available;

30 (c) Prohibit the following persons from participating in a fantasy  
31 contest based on the sport or competition in which the person  
1 participates or with which the person is otherwise associated:

2 (i) An athlete, referee, umpire, coach, or other individual who  
3 participates or officiates in a game or competition that is the subject  
4 of a fantasy contest; or

5 (ii) Any sports agent, team employee, or league official associated  
6 with a sport or athletic event that is the subject of a fantasy contest;

7 (d) Verify that a fantasy contest player in a fantasy contest is  
8 nineteen years of age or older;

9 (e) Provide a fantasy contest player with access to information on  
10 responsible play and access to information on seeking assistance for  
11 compulsive gambling behavior;

12 (f) Provide a fantasy contest player with information regarding the  
13 fantasy contest player's play history and account details;

14 (g) Ensure that a person who is a player in a real-world game or  
15 sporting event is restricted from participating in a fantasy contest that  
16 is determined, in whole or in part, on the accumulated statistical  
17 results of that player, the player's real-world team, or the sport or  
18 competition in which he or she is a player;

19 (h) Allow a person to restrict himself or herself from entering a  
20 fantasy contest upon request and provide reasonable steps to prevent the  
21 person from entering any fantasy contest offered by the fantasy contest  
22 operator;

23 (i) Disclose the number of entries that a fantasy contest player may  
24 submit to each fantasy contest and provide reasonable steps to prevent a  
25 fantasy contest player from submitting more than the allowable number;  
26 (j) Segregate fantasy contest player funds from operational funds or  
27 maintain a reserve that exceeds the amount of player funds on deposit,  
28 which reserve may not be used for operational activities. The reserve  
29 funds may be in the form of cash, cash equivalents, payment processor  
30 reserves, payment processor receivables, an irrevocable letter of credit,  
31 a bond, or any combination thereof, in the amount that must exceed the  
1 total balances of the accounts of all fantasy contest players; and  
2 (k) Prohibit the use of unauthorized third-party scripts on the  
3 platform.

4 (2) A fantasy contest operator shall not offer a fantasy contest  
5 based on the performance of a participant in a collegiate, high school,  
6 or youth athletic event.

7 (3) A fantasy contest operator shall:

8 (a) Contract annually with a certified public accountant to conduct  
9 an independent financial audit consistent with the standards accepted by  
10 the American Institute of Certified Public Accountants; and  
11 (b) Submit a copy of the audit report prepared pursuant to  
12 subdivision (3)(a) of this section to the department.

13 Sec. 7. Any person who knowingly violates any provision of the  
14 Fantasy Contests Act shall be liable for a civil penalty of not more than  
15 one thousand dollars for each violation, not to exceed five thousand  
16 dollars for violations arising out of the same transaction or occurrence,  
17 which shall accrue to the state, and which may be recovered in a civil  
18 action brought by the department. All money collected by the department  
19 pursuant to this section shall be remitted to the State Treasurer for  
20 distribution in accordance with Article VII, section 5, of the  
21 Constitution of Nebraska.

22 Sec. 8. Section 28-1101, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-1101 As used in this article, unless the context otherwise  
25 requires:

26 (1) A person advances gambling activity if, acting other than as a  
27 player, he or she engages in conduct that materially aids any form of  
28 gambling activity. Conduct of this nature includes, but shall not be  
29 limited to, conduct directed toward (a) the creation or establishment of  
30 the particular game, contest, scheme, device, or activity involved, (b)  
31 the acquisition or maintenance of premises, paraphernalia, equipment, or  
1 apparatus therefor, or (c) engaging in the procurement, sale, or offering  
2 for sale within this state of any chance, share, or interest in a lottery  
3 of another state or government whether or not such chance, share, or  
4 interest is an actual lottery ticket, receipt, contingent promise to pay,  
5 order to purchase, or other record of such interest except as provided in  
6 the Fantasy Contests Act, the Nebraska County and City Lottery Act, the  
7 Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act,  
8 the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or  
9 section 9-701;

10 (2) Bookmaking ~~means shall mean~~ advancing gambling activity by  
11 unlawfully accepting bets from members of the public as a business upon  
12 the outcome of future contingent events;

13 (3) A person profits from gambling activity if, other than as a  
14 player, he or she accepts or receives money or other property pursuant to  
15 an agreement or understanding with any person whereby he or she  
16 participates or is to participate in the proceeds of gambling activity;

17 (4) A person engages in gambling if he or she bets something of  
18 value upon the outcome of a future event, which outcome is determined by  
19 an element of chance, or upon the outcome of a game, contest, or  
20 election, or conducts or participates in any bingo, lottery by the sale  
21 of pickle cards, lottery, raffle, gift enterprise, fantasy contest, or  
22 other scheme not authorized or conducted in accordance with the Fantasy  
23 Contests Act, the Nebraska Bingo Act, the Nebraska County and City  
24 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle  
25 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State  
26 Lottery Act, or section 9-701, but a person does not engage in gambling  
27 by:

28 (a) Entering into a lawful business transaction;

29 (b) Playing an amusement device or a coin-operated mechanical game  
30 which confers as a prize an immediate, unrecorded right of replay not  
31 exchangeable for something of value;

1 (c) Conducting or participating in a prize contest; or

2 (d) Conducting or participating in any bingo, lottery by the sale of  
3 pickle cards, lottery, raffle, or gift enterprise conducted in accordance  
4 with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska  
5 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the  
6 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle  
7 Act, the State Lottery Act, or section 9-701;

8 (5) Gambling device ~~means shall mean~~ any device, machine,  
9 paraphernalia, writing, paper, instrument, article, or equipment that is  
10 used or usable for engaging in gambling, whether that activity consists  
11 of gambling between persons or gambling by a person involving the playing  
12 of a machine. Gambling device ~~also includes shall also include~~ any  
13 mechanical gaming device, computer gaming device, electronic gaming  
14 device, or video gaming device which has the capability of awarding  
15 something of value, free games redeemable for something of value,  
16 instant-win tickets which also provide the possibility of participating  
17 in a subsequent drawing or event, or tickets or stubs redeemable for  
18 something of value, except as authorized in the furtherance of parimutuel  
19 wagering. Supplies, equipment, cards, tickets, stubs, and other items  
20 used in any bingo, lottery by the sale of pickle cards, other lottery,  
21 raffle, ~~or~~ gift enterprise, or fantasy contest conducted in accordance  
22 with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska  
23 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the  
24 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle  
25 Act, the State Lottery Act, or section 9-701 are not gambling devices  
26 within this definition;

27 (6) Something of value shall mean any money or property, any token,

28 object, or article exchangeable for money or property, or any form of  
29 credit or promise directly or indirectly contemplating transfer of money  
30 or property or of any interest therein, or involving extension of a  
31 service or entertainment; and

1 (7) Prize contest shall mean any competition in which one or more  
2 competitors are awarded something of value as a consequence of winning or  
3 achieving a certain result in the competition and (a) the value of such  
4 awards made to competitors participating in the contest does not depend  
5 upon the number of participants in the contest or upon the amount of  
6 consideration, if any, paid for the opportunity to participate in the  
7 contest or upon chance and (b) the value or identity of such awards to be  
8 made to competitors is published before the competition begins.

9 Sec. 9. Section 28-1105, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 28-1105 (1) A person commits the offense of possession of gambling  
12 records if, other than as a player, he or she knowingly possesses any  
13 writing, paper, instrument, or article which is:

14 (a) Of a kind commonly used in the operation or promotion of a  
15 bookmaking scheme or enterprise and such writing, paper, instrument, or  
16 article has been used for the purpose of recording, memorializing, or  
17 registering any bet, wager, or other gambling information; or

18 (b) Of a kind commonly used in the operation, promotion, or playing  
19 of a lottery or mutuel scheme or enterprise or other scheme not conducted  
20 pursuant to the Fantasy Contests Act, the Nebraska Bingo Act, the  
21 Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle  
22 Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and  
23 Raffle Act, the State Lottery Act, or section 9-701 and such writing,  
24 paper, instrument, or article has been used for the purpose of recording,  
25 memorializing, or registering any bet, wager, or other gambling  
26 information not permitted by such acts or section.

27 (2) Possession of gambling records in the first degree is a Class II  
28 misdemeanor.

29 Sec. 10. Section 28-1107, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 28-1107 (1) A person commits the offense of possession of a gambling  
1 device if he or she manufactures, sells, transports, places, possesses,  
2 or conducts or negotiates any transaction affecting or designed to affect  
3 ownership, custody, or use of any gambling device, knowing that it shall  
4 be used in the advancement of unlawful gambling activity.

5 (2) The owner or operator of a retail establishment who is not a  
6 manufacturer, distributor, or seller of mechanical amusement devices as  
7 defined under the Mechanical Amusement Device Tax Act, shall have an  
8 affirmative defense to possession of a gambling device described in  
9 subsection (1) of this section if the device bears an unexpired  
10 mechanical amusement device decal as required by such act. However, such  
11 affirmative defense may be overcome if the owner or operator had actual  
12 knowledge that operation of the device constituted unlawful gambling  
13 activity at any time such device was operated on the premises of the  
14 retail establishment.

15 ~~(2) This section shall not apply to any coin-operated mechanical~~  
 16 ~~gaming device, computer gaming device, electronic gaming device, or video~~  
 17 ~~gaming device which has the capability of awarding free games, which is~~  
 18 ~~intended to be played and is in fact played for amusement only, and which~~  
 19 ~~may allow the player the right to replay such gaming device at no~~  
 20 ~~additional cost, which right to replay shall not be considered money or~~  
 21 ~~property, except that such mechanical game (a) can be discharged of~~  
 22 ~~accumulated free replays only by reactivating the game for one additional~~  
 23 ~~play for each accumulated free replay and (b) makes no permanent record~~  
 24 ~~directly or indirectly of free replays so awarded.~~

25 (3) Notwithstanding any other provisions of this section, any  
 26 mechanical game or device classified by the federal government as an  
 27 illegal gambling device and requiring a federal Gambling Device Tax Stamp  
 28 as required by the Internal Revenue Service in its administration of 26  
 29 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are  
 30 hereby declared to be illegal ~~and excluded from the exemption granted in~~  
 31 ~~this section.~~

1 (4) ~~(3)~~ Possession of a gambling device is a Class II misdemeanor.  
 2 Sec. 11. Section 28-1113, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 28-1113 Nothing in this article shall be construed to:

5 (1) Apply to or prohibit wagering on the results of horseraces by  
 6 the parimutuel or certificate method when conducted by licensees within  
 7 the racetrack enclosure at licensed horserace meetings; or

8 (2) Prohibit or punish the conducting or participating in any bingo,  
 9 lottery by the sale of pickle cards, lottery, raffle, ~~or~~ gift enterprise,  
 10 or fantasy contest when conducted in accordance with the Fantasy Contests  
 11 Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act,  
 12 the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery  
 13 Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or  
 14 section 9-701.

15 Sec. 19. Sections 10, 12, 13, 14, 15, 16, 17, 18, and 21 of this  
 16 act become operative on January 1, 2020. The other sections of this act  
 17 become operative on their effective date.

18 Sec. 20. Original sections 28-1101, 28-1105, and 28-1113, Reissue  
 19 Revised Statutes of Nebraska, are repealed.

20 Sec. 21. Original sections 28-1107, 77-3001, 77-3006, 77-3007,  
 21 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, are  
 22 repealed.

23 2. Renumber the remaining sections and correct internal references  
 24 accordingly.

Senator Wayne withdrew his amendment.

Senator Wayne offered the following amendment:  
 AM1512 is available in the Bill Room.

The Wayne amendment lost with 3 ayes, 27 nays, 15 present and not voting,  
 and 4 excused and not voting.

Senator Lathrop offered the following amendment:

FA72

In section 3, strike subsection (8)(b) and insert: "An owner or operator of a retail establishment shall operate no more than four cash devices, except an establishment with over four thousand square feet may have one cash device for each one thousand square feet, up to a maximum of fifteen cash devices".

#### **SPEAKER SCHEER PRESIDING**

The Lathrop amendment was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 538A.** Senator Lathrop offered the following amendment:

AM1571

1 1. On page 2, line 2, strike both occurrences of "General" and  
2 insert "Department of Revenue Enforcement".

The Lathrop amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 13, 2019, at 10:00 a.m. were the following: LBs 96, 179, 184, 375, 411e, 418, 478e, 560, 570e, 570Ae, 595, and 155.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 492.** Placed on Select File with amendment.

ER111

1 1. In the Standing Committee amendments, AM628:

2 a. On page 9, line 21, after "authority" insert "is"; and in lines  
3 22 and 23 strike "is"; and

4 b. On page 18, line 23, after "to" insert "subdivision (19) of".

5 2. On page 1, line 6, after the semicolon insert "to provide a  
6 budget limitation exception as prescribed;" in lines 6 and 7 strike "a  
7 provision" and insert "provisions"; and in line 9 after the first

8 semicolon insert "to provide for election of the board of directors of an  
9 authority;"

**LEGISLATIVE BILL 690.** Placed on Select File with amendment.

ER112

1 1. In the Standing Committee amendments, AM 1488:

2 a. On page 3, line 26, strike "prisoner" and insert "prisoner's";

3 and in line 28 strike the comma;

4 b. On page 4, line 13, strike "prisoner" and insert "prisoner's";

5 and

6 c. On page 6, line 19; and page 9, line 22, strike "Health" and

7 insert "Healthy".

8 2. On page 1, line 1, after the semicolon insert "to amend sections

9 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2018;" and

10 in line 2 after "Act" insert "; to provide exemptions for claims under

11 the Political Subdivisions Tort Claims Act and the State Tort Claims Act;

12 and to repeal the original sections".

**LEGISLATIVE BILL 427.** Placed on Select File.

**LEGISLATIVE BILL 447.** Placed on Select File with amendment.

ER117

1 1. On page 1, strike beginning with "State" in line 1 through line 4

2 and insert "Nebraska State Historical Society; to amend section

3 82-101.01, Reissue Revised Statutes of Nebraska, and section 81-1316,

4 Revised Statutes Cumulative Supplement, 2018; to exempt certain employees

5 of the Nebraska State Historical Society from the State Personnel System;

6 to change provisions relating to election of the board of trustees of the

7 Nebraska State Historical Society; and to repeal the original sections."

**LEGISLATIVE BILL 447A.** Placed on Select File.

**LEGISLATIVE BILL 315.** Placed on Select File.

**LEGISLATIVE BILL 281.** Placed on Select File.

**LEGISLATIVE BILL 454.** Placed on Select File with amendment.

ER115

1 1. On page 1, line 1, strike "real estate licenses" and insert "the

2 Nebraska Real Estate License Act"; and strike beginning with "eliminate"

3 in line 3 through "license" in line 4 and insert "change education

4 requirements for issuance of a broker's or salesperson's license".

**LEGISLATIVE BILL 260.** Placed on Select File with amendment.

ER116

1 1. On page 1, line 3, after "contractors" insert "and a health

2 insurance premium assistance payment program".

**LEGISLATIVE BILL 726.** Placed on Select File with amendment.

ER114

1 1. On page 1, lines 3 and 4; and page 2, lines 13 and 14, strike ",  
2 and section 2, Initiative Law 2018, No. 427".

**LEGISLATIVE BILL 476.** Placed on Select File.

**LEGISLATIVE BILL 505.** Placed on Select File with amendment.

ER113

1 1. In the Standing Committee amendments, AM125, on page 1, line 16,  
2 strike "for" and show as stricken.

**LEGISLATIVE BILL 374.** Placed on Select File with amendment.

ER118

1 1. On page 1, line 4, after "to" insert "change provisions relating  
2 to falconry permits; to".

**LEGISLATIVE BILL 248.** Placed on Select File.

**LEGISLATIVE BILL 571.** Placed on Select File with amendment.

ER120

1 1. On page 1, strike beginning with "provide" in line 2 through  
2 "prescribed" in line 3 and insert "define terms; to require assisted-  
3 living facilities to provide grievance procedures to the Department of  
4 Health and Human Services as prescribed; to provide a duty for the  
5 department".

**LEGISLATIVE BILL 571A.** Placed on Select File.

**LEGISLATIVE BILL 561.** Placed on Select File.

**LEGISLATIVE BILL 525.** Placed on Select File.

(Signed) Julie Slama, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Hilkemann filed the following amendment to LB298:

AM1748

(Amendments to Standing Committee amendments, AM1498)

1 1. Insert the following new section:

2 Sec. 18. Section 77-4212, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-4212 (1) For tax year 2007, the amount of relief granted under  
5 the Property Tax Credit Act shall be one hundred five million dollars.

6 For tax year 2008, the amount of relief granted under the act shall be

7 one hundred fifteen million dollars. It is the intent of the Legislature

8 to fund the Property Tax Credit Act for tax years after tax year 2008

9 using available revenue. For tax year 2017, the amount of relief granted

10 under the act shall be two hundred twenty-four million dollars. The

11 relief shall be in the form of a property tax credit which appears on the  
12 property tax statement.

13 (2)(a) For tax years prior to tax year 2017, to determine the amount  
14 of the property tax credit, the county treasurer shall multiply the  
15 amount disbursed to the county under subdivision (4)(a) of this section  
16 by the ratio of the real property valuation of the parcel to the total  
17 real property valuation in the county. The amount determined shall be the  
18 property tax credit for the property.

19 (b) Beginning with tax year 2017, to determine the amount of the  
20 property tax credit, the county treasurer shall multiply the amount  
21 disbursed to the county under subdivision (4)(b) of this section by the  
22 ratio of the credit allocation valuation of the parcel to the total  
23 credit allocation valuation in the county. The amount determined shall be  
24 the property tax credit for the property.

25 (3) If the real property owner qualifies for a homestead exemption  
26 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
1 the relief provided in the act to the extent of any remaining liability  
2 after calculation of the relief provided by the homestead exemption. If  
3 the credit results in a property tax liability on the homestead that is  
4 less than zero, the amount of the credit which cannot be used by the  
5 taxpayer shall be returned to the State Treasurer by July 1 of the year  
6 the amount disbursed to the county was disbursed. The State Treasurer  
7 shall immediately credit any funds returned under this subsection to the  
8 Property Tax Credit Cash Fund. Upon the return of any funds under this  
9 subsection, the county treasurer shall electronically file a report with  
10 the Property Tax Administrator, on a form prescribed by the Tax  
11 Commissioner, indicating the amount of funds distributed to each taxing  
12 unit in the county in the year the funds were returned, any collection  
13 fee retained by the county in such year, and the amount of unused credits  
14 returned.

15 (4)(a) For tax years prior to tax year 2017, the amount disbursed to  
16 each county shall be equal to the amount available for disbursement  
17 determined under subsection (1) of this section multiplied by the ratio  
18 of the real property valuation in the county to the real property  
19 valuation in the state. By September 15, the Property Tax Administrator  
20 shall determine the amount to be disbursed under this subdivision to each  
21 county and certify such amounts to the State Treasurer and to each  
22 county. The disbursements to the counties shall occur in two equal  
23 payments, the first on or before January 31 and the second on or before  
24 April 1. After retaining one percent of the receipts for costs, the  
25 county treasurer shall allocate the remaining receipts to each taxing  
26 unit levying taxes on taxable property in the tax district in which the  
27 real property is located in the same proportion that the levy of such  
28 taxing unit bears to the total levy on taxable property of all the taxing  
29 units in the tax district in which the real property is located.

30 (b) Beginning with tax year 2017, the amount disbursed to each  
31 county shall be equal to the amount available for disbursement determined  
1 under subsection (1) of this section multiplied by the ratio of the  
2 credit allocation valuation in the county to the credit allocation

3 valuation in the state. By September 15, the Property Tax Administrator  
 4 shall determine the amount to be disbursed under this subdivision to each  
 5 county and certify such amounts to the State Treasurer and to each  
 6 county. The disbursements to the counties shall occur in two equal  
 7 payments, the first on or before January 31 and the second on or before  
 8 April 1. After retaining one percent of the receipts for costs, the  
 9 county treasurer shall allocate the remaining receipts to each taxing  
 10 unit based on its share of the credits granted to all taxpayers in the  
 11 taxing unit.

12 (5) For purposes of this section, credit allocation valuation means  
 13 the taxable value for all real property except agricultural land and  
 14 horticultural land, one hundred twenty percent of taxable value for  
 15 agricultural land and horticultural land that is not subject to special  
 16 valuation, and one hundred twenty percent of taxable value for  
 17 agricultural land and horticultural land that is subject to special  
 18 valuation.

19 (6) The State Treasurer shall transfer from the General Fund to the  
 20 Property Tax Credit Cash Fund one hundred five million dollars by August  
 21 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

22 (7) The Legislature shall have the power to transfer funds from the  
 23 Property Tax Credit Cash Fund to the General Fund.

24 (8)(a) On or before December 31, 2020, the county treasurer of each  
 25 county shall electronically report the following information to the  
 26 Legislature and to the Department of Revenue regarding the property tax  
 27 credits granted during the year on property in his or her county:

28 (i) The percentage of such credits that went to property owners who  
 29 are residents of this state or, in the case of organizations, are located  
 30 in this state; and

31 (ii) The percentage of such credits that went to property owners who  
 1 are not residents of this state or, in the case of organizations, are not  
 2 located in this state.

3 (b) County treasurers may utilize the zip code listed on property  
 4 tax statements for purposes of determining whether property owners are  
 5 residents of this state or are located in this state.

6 2. On page 22, line 23, after the last comma insert "77-4212,".

7 3. Renumber the remaining sections accordingly.

Senator Kolterman filed the following amendment to LB720:

AM1684

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 1, line 14, after "such" insert "tax incentive".

Senator Kolterman filed the following amendment to LB720:

AM1683

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 1, line 5, strike "hereby".

Senator Bolz filed the following amendment to LB468:

AM1678

(Amendments to Standing Committee amendments, AM1166)

- 1 1. Strike sections 1 to 5 and 9.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

Senator Bolz filed the following amendment to LB297:

AM1747

(Amendments to Standing Committee amendments, AM1482)

- 1 1. Purpose: To correct identification of a budget program number and
- 2 fund name.
- 3 Amendment:
- 4 a. On page 22, line 2, strike "934" and insert "984"; and in line 8
- 5 strike "Capitol Buildings Parking" and insert "State Building"; and
- 6 b. Renumber remaining sections accordingly.
- 7 2. Purpose: To correct identification of a program number and source
- 8 of funds for appropriation.
- 9 Amendment:
- 10 a. On page 22, line 27, strike "936" and insert "985"; and in line
- 11 30 strike "GENERAL" and insert "REVOLVING"; and
- 12 b. Renumber remaining sections accordingly.

Senator Bolz filed the following amendment to LB294:

AM1746

(Amendments to Standing Committee amendments, AM1329)

- 1 1. Purpose: For Agency 9 - Secretary of State: Correct a fund source
- 2 error for the Secretary of State to match the earmark language and add
- 3 \$4,000,000 General Funds and \$1,000,000 federal funds in FY2019-20 to
- 4 replace ADA accessibility voter equipment.
- 5 Amendment:
- 6 a. On page 11, line 21, strike "1,994,775" and insert "5,994,775";
- 7 in line 22 strike "6,657,437" and insert "6,457,437"; in line 23 strike
- 8 "878,000" and insert "2,078,000"; and in line 24 strike "9,530,212" and
- 9 insert "14,530,212".
- 10 2. Purpose: For Agency 11 - Attorney General: Add \$295,957 General
- 11 Funds each year for the Attorney General and transfer the same amount
- 12 from the State Settlement Cash Fund to the General Fund to offset the
- 13 General Fund impact.
- 14 Amendment:
- 15 a. On page 13, strike line 28 and insert "GENERAL FUND 6,339,199
- 16 6,469,310";
- 17 b. On page 14, strike line 3 and insert "PROGRAM TOTAL 10,925,104
- 18 11,139,923";
- 19 c. On page 135, line 28, strike "and";
- 20 d. On page 136, line 1, strike the period and insert "; and
- 21 (u) From the State Settlement Cash Fund to the General Fund:
- 22 \$295,957 on or before June 30, 2020, on such dates and in such amounts as
- 23 directed by the budget administrator of the budget division of the

24 Department of Administrative Services.";

25 e. On page 138, line 29, strike "and"; and

26 f. On page 139, line 2, strike the period and insert "; and

1 (u) From the State Settlement Cash Fund to the General Fund:

2 \$295,957 on or before June 30, 2021, on such dates and in such amounts as

3 directed by the budget administrator of the budget division of the

4 Department of Administrative Services."

5 3. Purpose: For Agency 13 - Education: Increase the salary limit of

6 the State Department of Education by \$488,088 to reflect anticipated

7 staffing levels.

8 Amendment:

9 a. On page 17, strike line 16 and insert: "SALARY LIMIT 15,001,413

10 15,335,026".

11 4. Purpose: For Agency 13 - Education: Decrease TEEOSA General Fund

12 aid by \$2,675,083 in FY2019-20 and \$2,175,083 in FY2020-21 to reflect

13 actual premium taxes used to offset General Fund aid. Decrease TEEOSA

14 General Fund aid by \$402,007 in FY2019-20 to fully reflect the change in

15 the allowable growth rate in LB675.

16 Amendment:

17 a. On page 18, strike line 24 and insert "GENERAL FUND 1,292,913,588

18 1,302,081,857"; strike line 27 and insert "PROGRAM TOTAL 1,619,878,641

19 1,629,046,910"; and in line 29 strike "\$1,295,990,678" and insert

20 "\$1,292,913,588"; and

21 b. On page 19, line 2, strike "\$1,304,256,940" and insert

22 "\$1,302,081,857"; in line 5 strike "\$1,039,314,856" and insert

23 "\$1,036,237,766"; and in line 10 strike "\$1,045,031,781" and insert

24 "\$1,042,856,698".

25 5. Purpose: For Agency 23 - Department of Labor: Eliminate earmark

26 language related to funding that has been removed from the appropriation

27 for the Department of Labor.

28 Amendment:

29 a. On page 34, strike lines 11 through 24.

30 6. Purpose: For Agency 25 - Department of Health and Human Services:

31 To insert provisions that were inadvertently left out of the committee

1 amendment in Program 33.

2 Amendment:

3 a. On page 36, line 17, strike "27,748,166" and insert "27,835,666"

4 and in line 19, strike "485,497,983" and insert "485,585,483"; and

5 b. On page 39, after line 2 insert the following:

6 (12) The Legislature finds that underfunding of the medical

7 assistance program under the Medical Assistance Act has resulted in a

8 growing financial chasm between the amount of money a service provider is

9 reimbursed under the program and the actual cost of providing care.

10 Combined with workforce shortages, the continued ability of long-term

11 care providers to serve beneficiaries of the medical assistance program

12 is increasingly at risk. The Legislature also recognizes that aging

13 Nebraskans have made contributions throughout their lifetimes to the

14 state and country and deserve to receive the care they need in

15 recognition of this service.

16 (13) If federal funding is approved under this section, on or before  
17 December 31, 2020, the department shall study and report to the  
18 Appropriations Committee of the Legislature on statewide access to long-  
19 term care. The department shall contract with an independent entity with  
20 proven expertise in (a) data analysis and projections of future trends,  
21 (b) community planning, (c) innovative practices and best practices in  
22 long-term care services, and (d) the development of a long-term care  
23 sustainability plan. The department and contracted entity shall study the  
24 needs of Nebraska's aging population for facility-based and home and  
25 community-based long-term care services in close proximity to familial  
26 and social support systems and shall make reasonable recommendations,  
27 supported by data, on changes to the policy and funding of long-term care  
28 services under the Medical Assistance Act.

29 (14) The department and the contracted entity shall:

30 (a) Review and summarize existing data sources;

31 (b) Provide the committee with a detailed analysis and projection of  
1 Nebraska's demographic trends by age and availability of informal long-  
2 term care support systems;

3 (c) Provide the committee with a detailed analysis of the current  
4 and projected future needs of aging Nebraskans and current gaps in  
5 facility-based and home and community-based long-term care services in  
6 all areas of the state and factors contributing to such gaps;

7 (d) Provide the committee with a detailed analysis of state  
8 regulations and processes that impede the flexibility for nursing  
9 facilities to provide home and community-based long-term care services  
10 when there is an identified community need;

11 (e) Provide the committee with a detailed analysis of the financial  
12 stability of long-term care providers that accept participants in the  
13 medical assistance program, especially nursing facilities, and  
14 contributing factors;

15 (f) Make recommendations to the committee for increased regulatory  
16 flexibility to allow a skilled nursing facility to provide home and  
17 community-based long-term care services to meet community needs and for  
18 strategic consolidation of facilities and services to use long-term care  
19 workforce resources more effectively;

20 (g) Identify changes to reimbursement under the medical assistance  
21 program to sustain access to long-term care services across the state;  
22 and

23 (h) Create a financially sustainable five-year plan for ensuring  
24 that aging Nebraskans continue to have access to long-term care services  
25 they need in close proximity to their familial and social support  
26 systems.

27 (15) A status update on the report shall be delivered electronically  
28 to the Appropriations Committee of the Legislature by December 31, 2019.

29 The final report shall be delivered electronically to the  
30 Appropriations Committee of the Legislature by December 1, 2020.

31 (16) It is the intent of the Legislature that the Division of  
1 Medicaid and Long-Term Care of the Department of Health and Human  
2 Services shall request approval from the Secretary of the United States

3 Department of Health and Human Services to use \$87,500 of Nebraska's  
4 Nursing Facility Penalty Cash Fund under section 1919(h)(3)(C)(ii)(IV)  
5 (ff) of the federal Social Security Act as the federal match to carry out  
6 the study described in this section. Such funds shall be used to research  
7 demographic trends, project current and future service needs, and provide  
8 recommendations for continued statewide access to long-term care  
9 services, including nursing facility care, for medicaid recipients.  
10 7. Purpose: For Agency 25 - Department of Health and Human Services:  
11 To correct a federal fund amount in Program 33, Subprogram 249.  
12 Amendment:  
13 a. On page 39, line 7, strike "6,673,992" and insert "8,583,992" and  
14 in line 8 strike "14,653,804" and all amendments thereto and insert  
15 "14,563,804".  
16 8. Purpose: For Agency 25 - Department of Health and Human Services:  
17 To remove language that is not needed in Program 33, Subprogram 249.  
18 Amendment:  
19 a. On page 39, strike lines 16 through 20.  
20 9. Purpose: For Agency 25 - Department of Health and Human Services:  
21 To add a program classification in Program 348.  
22 Amendment:  
23 a. On page 44, after line 16 insert "No. 348 - Medical Assistance".  
24 10. Purpose: For Agency 25 - Department of Health and Human  
25 Services: To correct earmarks in Program 348.  
26 Amendment:  
27 a. On page 45, strike lines 16 through 26 and insert the following:  
28 "There is included in the appropriation to this program \$336,349,731  
29 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) for nursing  
30 facilities in FY2019-20, which includes a one-time payment increase of  
31 \$7,400,000 (\$3,389,940 General Funds and \$4,010,060 Federal Funds) and  
1 \$13,851,307 (\$6,345,284 General Funds and \$7,506,023 Federal Funds) for  
2 utilization changes and rate enhancement.  
3 There is included in the appropriation in this section \$350,795,952  
4 (\$158,840,407 General Funds and \$191,955,545 Federal Funds) for nursing  
5 facilities in FY2020-21 which includes \$14,446,221 (\$6,541,249 General  
6 Funds and \$7,904,972 Federal Funds) for utilization changes and rate  
7 enhancement."  
8 11. Purpose: For Agency 25 - Department of Health and Human  
9 Services: To clarify an intent in Program 348.  
10 Amendment:  
11 a. On page 45, line 27, strike "amounts shown for" and insert "total  
12 nursing facility appropriation amount, including".  
13 12. Purpose: For Agency 25 - Department of Health and Human  
14 Services: To add a reporting requirement in Program 348.  
15 Amendment:  
16 a. On page 46 before line 1 insert the following:  
17 "The Department of Health and Human Services shall file a report  
18 with the Legislative Fiscal Office and the Clerk of the Legislature no  
19 later than August 1, 2019, on how the Inflation Factor was calculated for  
20 FY2019-20 rates and no later than August 1, 2020, on how the Inflation

21 Factor was calculated for FY2020-21 rates."  
22 13. Purpose: For Agency 25 - Department of Health and Human  
23 Services: To clarify an intent in Program 348, Subprogram 349.  
24 Amendment:  
25 a. On page 46, line 19, strike "There" and insert "For informational  
26 purposes only, there".  
27 14. Purpose: For Agency 25 - Department of Health and Human  
28 Services: To correct a federal fund amount in Program 348, Subprogram  
29 349.  
30 Amendment:  
31 a. On page 46, line 23, strike "323,593,612" and insert  
1 "373,260,870"; and in line 24 strike "367,456,917" and insert  
2 "417,124,175".  
3 15. Purpose: For Agency 25 - Department of Health and Human  
4 Services: To remove language that is not needed in Program 348,  
5 Subprogram 349.  
6 Amendment:  
7 a. On page 46, strike line 30; and  
8 b. On page 47, strike lines 1 through 4.  
9 16. Purpose: For Agency 25 - Department of Health and Human  
10 Services: To correct a name in Program 502.  
11 Amendment:  
12 a. On page 50, line 30, strike "People's Health Center" and insert  
13 "Bluestem Health"; and  
14 b. On page 51, lines 10 and 25, strike "People's Health Center" and  
15 insert "Bluestem Health".  
16 17. Purpose: For Agency 25 - Department of Health and Human  
17 Services: To clarify intent in Program 514.  
18 Amendment:  
19 a. On page 54, lines 28 and 30, strike "up to".  
20 18. Purpose: For Agency 25 - Department of Health and Human  
21 Services: To eliminate a duplicate appropriation in Program 571.  
22 Amendment:  
23 a. On page 55, line 22, strike the second "613,912" and insert  
24 "-0-"; and  
25 b. In the E&R amendments strike amendment 1.d.  
26 19. Purpose: For Agency 25 - Department of Health and Human  
27 Services: To correct an amount and add a Salary Limit in Program 621.  
28 Amendment:  
29 a. On page 56, lines 11 and 12, strike each occurrence of "450,086"  
30 and insert "450,000"; and in line 13 insert "13,500 13,500".  
31 20. Purpose: For Agency 54 - Historical Society: Correct an  
1 incorrect number in an earmark.  
2 Amendment:  
3 a. On page 85, line 17, strike "\$1,000" and insert "\$100,000".  
4 21. Purpose: For Agency 65 - Department of Administrative Services:  
5 Add \$399,880 each year of Revolving Fund authority and \$306,975 PSL each  
6 year to Program 172 to complete IT Consolidation plan in DAS.  
7 Amendment:

- 8 a. On page 91, strike line 29 and insert "REVOLVING FUND 59,455,560  
9 59,922,402"; and  
10 b. On page 92, strike line 1 and insert "PROGRAM TOTAL 59,455,560  
11 59,922,402"; and strike line 2 and insert "SALARY LIMIT 14,242,645  
12 14,592,955".  
13 22. Purpose: For Agency 77 - Commission of Industrial Relations: To  
14 change the personal services limit (PSL) to reflect the 27th pay period  
15 in FY2020-21.  
16 Amendment:  
17 a. On page 103, line 15, strike "148,379" and insert "153,259".

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 125. Introduced by Vargas, 7.

WHEREAS, Cecilia Olivarez Huerta was the Executive Director of the Nebraska Mexican American Commission, now called the Commission on Latino-Americans, from 1994 until her retirement in 2009; and

WHEREAS, Cecilia Olivarez Huerta was born on May 6, 1944, in Bridgeport and raised in Bayard where she worked in the beet fields as a child. Cecilia went on to graduate from the Lincoln School of Commerce in 1962, becoming the first Latina from western Nebraska to attend the school; and

WHEREAS, Cecilia Olivarez Huerta became involved with the Mexican-American Student Association while attending the University of Nebraska, where she began her quest to be the voice of those whose voice was never heard; and

WHEREAS, Cecilia Olivarez Huerta was a tireless advocate and leader who relentlessly highlighted the role and importance of Mexican Americans in Nebraska's history, culture, and economic achievements; and

WHEREAS, Cecilia Olivarez Huerta was the recipient of many awards for her achievements, including the 1994 Woman of Color Award, 2001 Human Rights Award by the Lincoln Commission on Human Rights, 2009 Lifetime Achievement Award from the Latino Heritage Awards; and

WHEREAS, Cecilia Olivarez Huerta served on the Presidential Diversity Advisory Committee in 1997; and

WHEREAS, the work of Cecilia Olivarez Huerta included a photographic exhibition and report of oral histories that traveled the state and was installed at the Library of Congress, "Nuestros Tesoros: Una celebracion de la herencia Mexicana de Nebraska", which translates to, "Our Treasures: A Celebration of Nebraska's Mexican Heritage"; and

WHEREAS, Cecilia Olivarez Huerta died May 2, 2019, at her home in Lincoln; and

WHEREAS, Cecilia Olivarez Huerta is survived by her four children, Janet Fiala of Lincoln, Anita Olivarez Eisenhauer (Mary Ellen Moynahan) of West Hurley, New York, Michael Eisenhauer of Lincoln, and Monica Olivarez Eisenhauer of Sioux City, Iowa, seven grandchildren, and three great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature recognizes the valuable contributions made by Cecilia Olivarez Huerta to Nebraska and its citizens.
2. That the Nebraska Legislature recognizes the thousands of Nebraskans uplifted by the dedication and work of Cecilia Olivarez Huerta.
3. That the Nebraska Legislature offers its condolences to the family of Cecilia Olivarez Huerta.
4. That a copy of this resolution be sent to the family of Cecilia Olivarez Huerta.

Laid over.

**LEGISLATIVE RESOLUTION 126.** Introduced by Hunt, 8.

**PURPOSE:** The purpose of this interim study is to examine issues related to urban development in municipalities. The issues addressed by this interim study shall include, but not be limited to:

- (1) Urban development patterns with respect to population density, land-use mix, transportation options, connectivity, and arts districts;
- (2) Statutes involving urban development tools and statutory changes needed to create and optimize smart-growth tools; and
- (3) Other potential urban development tools that could be made available to municipalities to encourage smart-growth patterns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Blood name added to LB433.  
Senator Blood name added to LB532.  
Senator Vargas name added to LR118.

**COMMITTEE REPORT(S)**

## Enrollment and Review

**LEGISLATIVE BILL 609.** Placed on Select File.  
**LEGISLATIVE BILL 719.** Placed on Select File.  
**LEGISLATIVE BILL 719A.** Placed on Select File.  
**LEGISLATIVE BILL 62.** Placed on Select File.  
**LEGISLATIVE BILL 559.** Placed on Select File.  
**LEGISLATIVE BILL 220.** Placed on Select File.  
**LEGISLATIVE BILL 135.** Placed on Select File.

**LEGISLATIVE BILL 244.** Placed on Select File with amendment.  
ER121

- 1 1. On page 1, line 5, strike the last "and"; and in line 6 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 2, line 3, before "and" insert "38-1714".

**LEGISLATIVE BILL 308.** Placed on Select File.  
**LEGISLATIVE BILL 392.** Placed on Select File.

**LEGISLATIVE BILL 564.** Placed on Select File with amendment.  
ER122

- 1 1. In the Standing Committee amendments, AM1276, on page 6, line 10,
- 2 after "the" insert "United States".
- 3 2. On page 1, lines 2 and 3, strike "13-2707.01, and 13-2709" and
- 4 insert "and 13-2707.01".

**LEGISLATIVE BILL 123.** Placed on Select File.

**LEGISLATIVE BILL 414.** Placed on Select File with amendment.  
ER119

- 1 1. On page 2, line 19, strike "subsection" and insert "subdivision".

**LEGISLATIVE BILL 533.** Placed on Select File with amendment.  
ER123

- 1 1. On page 1, line 1; and page 2, line 28, after the first comma
- 2 insert "42-106,".

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were students from Wausa Public Schools; Senator Vargas's wife and daughter, Lauren and Ava Kaye Vargas, from Omaha; delegates with the U.S. State Department International Leadership Program promoting cyber security from Guatemala, Ireland, Mexico, Pakistan, Panama, and Slovakia; and students from St. John Lutheran School, Battle Creek.

**RECESS**

At 11:43 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Howard and Stinner who were excused; and Senators Dorn, Hilkemann, Morfeld, and Wayne who were excused until they arrive.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 582.** Placed on General File.

**LEGISLATIVE BILL 593.** Placed on General File with amendment.

AM996

1 1. Strike original section 7.

2 2. On page 20, line 11, strike "(7)", show as stricken, and insert

3 "(7)(a)"; in line 13 strike "or may recover" and show as stricken; strike

4 beginning with "to" in line 14 through the comma in line 16 and show as

5 stricken; strike beginning with "or" in line 17 through the comma in line

6 19, show as stricken, and insert "as follows:"

7 (i) In those cases in which the person is fully compensated by the

8 recovery, the department shall be fully reimbursed subject to its

9 contribution to attorney's fees and costs as provided in subdivision (b)

10 of this subsection; or

11 (ii) In those cases in which the person is not fully compensated by

12 the recovery, the department shall be reimbursed that portion of the

13 recovery that represents the same proportionate reduction of medical

14 expenses paid that the recovery amount bears to full compensation of the

15 person subject to its contributions to attorney's fees and costs as

16 provided in subdivision (b) of this subsection.

17 (b) When"; in line 19 strike "alone" and show as stricken; strike

18 beginning with "to" in line 21 through the comma in line 23 and show as

19 stricken; strike beginning with "twenty-five" in line 25 through the

20 first "share" in line 28, show as stricken, and insert "an amount"; in

21 line 28 after "reasonable" insert "pro rata"; in line 29 strike "paid by

22 the person" and show as stricken and strike "that portion of the" and

23 show as stricken; and strike beginning with "determined" in line 30

24 through line 31, show as stricken, and insert an underscored period.

25 3. On page 21, strike lines 1 through 8 and show as stricken.

26 4. On page 33, line 27, strike "68-989,".

27 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 686.** Placed on General File with amendment. AM1737 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 670.** Title read. Considered.

Committee AM1112, found on page 1160, was offered.

Senator Kolowski offered his amendment, AM1351, found on page 1243, to the committee amendment.

#### **SENATOR HUGHES PRESIDING**

Pending.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 600A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 127.** Introduced by Hunt, 8.

**PURPOSE:** The purpose of this interim study is to ensure youth in the foster care system and juvenile justice system understand their rights, to ensure their rights are being upheld, and to explore the need for additional rights.

The issues addressed by this interim study shall include, but not be limited to:

(1) The frequency with which youth in the foster care system and juvenile justice system are receiving a comprehensive bill of rights;

(2) The age and developmental appropriateness of the way in which such rights are explained to youth in the foster care system and juvenile justice system;

(3) The role of a guardian ad litem and other attorneys in helping youth in the foster care system and juvenile justice system understand their rights;

(4) The existing bill of rights shared with youth in foster care through the Division of Children and Family Services of the Department of Health and Human Services and with youth in the juvenile justice system through the Office of Probation Administration;

(5) Youth and stakeholder input, best practices, and additional rights that should be included in a bill of rights for youth in the foster care system and juvenile justice system;

(6) The inclusion of rights specifically for youth in the foster care system and juvenile justice system who are pregnant, parenting, or accessing family planning services;

(7) Rights that may be neglected for youth who are disproportionately represented in the foster care system and the juvenile justice system, including, but not limited to, youth of color and youth with other marginalized identities; and

(8) The grievance processes for youth in the foster care system and the juvenile justice system who feel their rights are not being protected and their access to such grievance processes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 128.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Nebraska Wage Payment and Collection Act and the Wage and Hour Act. The issues addressed by this interim study shall include, but not be limited to:

(1) The overlapping jurisdiction and applicability of such acts to both the Department of Labor and the Equal Opportunity Commission;

(2) Efficient enforcement of such acts;

(3) Ways to improve clarity and understanding of remedies available under such acts; and

(4) The roles of each agency in the administration of such acts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 129.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Business and Labor Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB720:  
AM1778

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 1, line 9, strike "creation and retention" and insert
- 2 "retention and creation".

Senator Kolterman filed the following amendment to LB720:  
AM1779

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 1, line 10, strike "attract and retain" and insert
- 2 "retain and attract".

Senator Groene filed the following amendment to LB675:  
AM1675

(Amendments to E&R amendments, ER108)

- 1 1. Strike section 11 and insert the following new section:
- 2 Sec. 11. Section 79-1022, Revised Statutes Cumulative Supplement,
- 3 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth
- 4 Legislature, First Session, 2019, is amended to read:
- 5 79-1022 (1) On or before June 10, 2019, and on or before March 1 of
- 6 each year thereafter, ~~for each ensuing fiscal year,~~ the department shall
- 7 determine the amounts to be distributed to each local system ~~and each~~
- 8 ~~district~~ for the ensuing school fiscal year pursuant to the Tax Equity
- 9 and Educational Opportunities Support Act and shall certify the amounts
- 10 to the Director of Administrative Services, the Auditor of Public
- 11 Accounts, and each local system ~~district~~. ~~Except as otherwise provided in~~
- 12 ~~this section, the amount to be distributed to each district from the~~
- 13 ~~amount certified for a local system shall be proportional based on the~~
- 14 ~~formula students attributed to each district in the local system.~~ On or

15 before June 10, 2019, and on or before March 1 of each year thereafter,  
 16 ~~for each ensuing fiscal year~~, the department shall report the necessary  
 17 funding level for the ensuing school fiscal year to the Governor, the  
 18 Appropriations Committee of the Legislature, and the Education Committee  
 19 of the Legislature. The report submitted to the committees of the  
 20 Legislature shall be submitted electronically. Except as otherwise  
 21 provided in this subsection, certified state aid amounts, including  
 22 adjustments pursuant to section 79-1065.02, shall be shown as budgeted  
 23 non-property-tax receipts and deducted prior to calculating the property  
 24 tax request in the local system's district's general fund budget  
 25 statement as provided to the Auditor of Public Accounts pursuant to  
 26 section 79-1024.

1 (2) Except as provided in this subsection, subsection (8) of section  
 2 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts  
 3 certified pursuant to subsection (1) of this section shall be distributed  
 4 in ten as nearly as possible equal payments on the last business day of  
 5 each month beginning in September of each ensuing school fiscal year and  
 6 ending in June of the following year, except that when a local system  
 7 ~~school district~~ is to receive a monthly payment of less than one thousand  
 8 dollars, such payment shall be one lump-sum payment on the last business  
 9 day of December during the ensuing school fiscal year.

Senator Walz filed the following amendment to LB600A:  
 AM1775

1 1. On page 2, line 7, strike "\$103,167" and insert "\$105,825"; and  
 2 in line 8 strike "\$105,230" and insert "\$107,942".

Senator Wishart filed the following amendment to LB610:  
 AM1771 is available in the Bill Room.

Senator Cavanaugh filed the following amendment to LB532:  
 AM1773

(Amendments to Standing Committee amendments, AM674)

1 1. On page 3, line 8, after the period insert "Any notice provided  
 2 to the respondent shall include notification that a court may treat a  
 3 petition for a harassment order as a petition for a sexual assault  
 4 protection order or a domestic abuse protection order if it appears from  
 5 the facts that such other protection order is more appropriate and that  
 6 the respondent shall have an opportunity to show cause as to why such  
 7 protection order should not be entered.".

8 2. On page 3, line 27; page 9, line 4; and page 17, line 6, after  
 9 "facts" insert "in the petition, affidavit, and evidence presented at a  
 10 show cause hearing".

11 3. On page 8, line 16, after the period insert "Any notice provided  
 12 to the respondent shall include notification that a court may treat a  
 13 petition for a sexual assault protection order as a petition for a  
 14 harassment protection order or a domestic abuse protection order if it

15 appears from the facts that such other protection order is more  
16 appropriate and that the respondent shall have an opportunity to show  
17 cause as to why such protection order should not be entered."  
18 4. On page 16, line 18, after the period insert "Any notice provided  
19 to the respondent shall include notification that a court may treat a  
20 petition for a domestic abuse protection order as a petition for a  
21 harassment protection order or a sexual assault protection order if it  
22 appears from the facts that such other protection order is more  
23 appropriate and that the respondent shall have an opportunity to show  
24 cause as to why such protection order should not be entered."

Senator Slama filed the following amendment to LB592:  
AM1587

(Amendments to Standing Committee amendments, AM1359)

1 1. On page 2, line 20, strike "and" and show as stricken; and in  
2 line 26 after "prohibited" insert "; and  
3 (i) Sell beer or other alcoholic liquor at retail for consumption on  
4 the premises if the holder is also issued the appropriate retail license  
5 for such sales at such location".

Senator Chambers filed the following amendment to LB519:  
FA69

Amend AM1460

Page 1, line 8 strike and show as stricken "as a result of" and insert "proximately caused by"; line 11 strike and show as stricken "with" and insert "in"; line 14 strike "defendant's activities" and insert "actions of the defendant".

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 610A.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Sixth Legislature, First Session, 2019.

### **MESSAGE(S) FROM THE GOVERNOR**

May 13, 2019

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of reappointment to the Niobrara Council:

Bradley A. Arrowsmith, 89067 Doc Middleton Drive, Bassett, NE 68714

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### GENERAL FILE

**LEGISLATIVE BILL 670.** The Kolowski amendment, AM1351, found on page 1243 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

#### COMMITTEE REPORT(S) Business and Labor

**LEGISLATIVE BILL 448.** Placed on General File with amendment.  
AM935

1 1. On page 2, line 26, strike "fourteen" and insert "twelve".

**LEGISLATIVE BILL 527.** Placed on General File with amendment.  
AM1573

1 1. Strike the original sections and insert the following new  
2 sections:

3 Section 1. Sections 1 to 6 of this act shall be known and may be  
4 cited as the Customized Job Training Act.

5 Sec. 2. The Customized Job Training Act shall be administered by  
6 the Department of Economic Development to provide funds in the form of  
7 grants to employers for reimbursement of job training expenses as set  
8 forth in the act.

9 Sec. 3. The Customized Job Training Cash Fund is created. Funds in  
10 the Customized Job Training Cash Fund shall be used for (1) general  
11 administrative costs of awarding job training reimbursement grants under  
12 the Customized Job Training Act and (2) job training reimbursement  
13 grants. Any money in the fund available for investment shall be invested  
14 by the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 4. (1) Employers applying for job training reimbursement  
17 grants under the Customized Job Training Act shall apply to the  
18 Department of Economic Development. The department shall provide job  
19 training reimbursement grants for job training programs for jobs that are  
20 net new jobs or that result in a net increase in wages per employee. The  
21 job training reimbursement grants shall be in proportion to the committed

22 number of net new jobs created or committed net increase in wages per  
23 employee. The amount of each grant and number of grants awarded shall be  
24 determined by the department based upon available funding.  
25 (2) The department shall create a job training reimbursement grant  
26 application, have authority to approve applications, and authorize the  
27 total amount of job training reimbursement grants expected to be awarded  
1 as a result of the training if the Director of Economic Development is  
2 satisfied that the plan in the application defines training that meets  
3 the eligibility requirements.  
4 (3) The department shall submit an annual report electronically to  
5 the Appropriations Committee of the Legislature that includes the total  
6 number of job training reimbursement grants awarded, the total dollar  
7 amount of job training reimbursement grants awarded and to whom, the  
8 total expenditures made in administering the Customized Job Training Act,  
9 the number of individuals trained, the average wage of net new jobs, and  
10 a summary of the training provided.  
11 Sec. 5. (1) In order for an employer to apply for a job training  
12 reimbursement grant under the Customized Job Training Act:  
13 (a) The jobs being trained for must be net new jobs or result in a  
14 net increase in wages per employee; and  
15 (b) The jobs being trained for must meet or exceed the Nebraska  
16 average annual wage.  
17 (2) Training may be provided by:  
18 (a) The community college system or any accredited postsecondary  
19 educational institution; or  
20 (b) Any qualified training provider if the training results in:  
21 (i) A national, state, or locally recognized certificate;  
22 (ii) Preparation for a professional examination or licensure;  
23 (iii) Endorsement for an existing credential or license; or  
24 (iv) Development of recognized skill standards as defined by an  
25 industrial sector.  
26 Sec. 6. An employer receiving a grant shall provide to the  
27 Department of Economic Development documentation:  
28 (1) Showing the completion of the eligible job training. The  
29 department may require reimbursement of any funds for training not  
30 meeting eligibility requirements; and  
31 (2) Showing that the employer has maintained or exceeded its current  
1 level of training expenditures in the fiscal year in which the grant was  
2 awarded.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 86A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Linehan filed the following amendment to LB670:

AM1782

- 1 1. On page 3, strike lines 1 through 6 and insert the following new
- 2 subdivision:
- 3 "(a)(i) Is a dependent member of a household that qualified, during
- 4 the most recently concluded calendar year before the student receives an
- 5 education scholarship pursuant to the act, for benefits under the
- 6 Supplemental Nutrition Assistance Program administered by the State of
- 7 Nebraska pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C.
- 8 2011 et seq., as such act existed on January 1, 2019; or
- 9 (ii) Is in foster care or out-of-home care; and".
- 10 2. On page 4, strike beginning with "and" in line 22 through the
- 11 second "care" in line 25.

Senator Hunt filed the following amendment to LB670:

AM1787

- 1 1. On page 3, strike beginning with "complies" in line 21 through
- 2 "2019" in line 22 and insert "does not discriminate on the basis of race,
- 3 color, religion, national origin, ancestry, citizenship status, gender,
- 4 sexual orientation, gender identity, disability, or special education
- 5 status".

Senator Morfeld filed the following amendment to LB670:

AM1348

- 1 1. On page 3, strike beginning with "complies" in line 21 through
- 2 "2019" in line 22 and insert "does not discriminate on the basis of race,
- 3 religion, national origin, sexual orientation, gender identity, or any
- 4 special or additional educational needs of a student, no matter the
- 5 cost".

Senator Erdman filed the following amendment to LB512:

AM1755

(Amendments to AM1217)

- 1 1. Strike sections 10, 11, 12, 13, and 28 and insert the following
- 2 new sections:
- 3 Sec. 14. Section 77-1301, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 77-1301 (1) All real property in this state subject to taxation
- 6 shall be assessed as of January 1 at 12:01 a.m., ~~and such which~~
- 7 assessment shall be used as a basis of taxation until the next assessment
- 8 unless the property is destroyed real property as defined in section 15
- 9 of this act, in which case the assessed value for the destroyed real
- 10 property shall be adjusted as provided in sections 15 to 17 of this act.
- 11 (2) Beginning January 1, 2014, in any county with a population of at
- 12 least one hundred fifty thousand inhabitants according to the most recent
- 13 federal decennial census, the county assessor shall provide notice of

14 preliminary valuations to real property owners on or before January 15 of  
15 each year. Such notice shall be (a) mailed to the taxpayer or (b)  
16 published on a web site maintained by the county assessor or by the  
17 county.

18 (3) The county assessor shall complete the assessment of real  
19 property on or before March 19 of each year, except beginning January 1,  
20 2014, in any county with a population of at least one hundred fifty  
21 thousand inhabitants according to the most recent federal decennial  
22 census, the county assessor shall complete the assessment of real  
23 property on or before March 25 of each year.

24 Sec. 15. (1) The Legislature finds and declares that fires,  
25 earthquakes, floods, and tornadoes occur with enough frequency in this  
26 state that provision should be made to grant property tax relief to  
1 owners of real property adversely affected by such events.

2 (2) For purposes of sections 15 to 17 of this act:

3 (a) Calamity means a disastrous event, including, but not limited  
4 to, a fire, an earthquake, a flood, a tornado, or other natural event  
5 which significantly affects the assessed value of real property;

6 (b) Destroyed real property means real property that suffers  
7 significant property damage as a result of a calamity occurring on or  
8 after January 1, 2019, and before July 1 of the current assessment year.

9 Destroyed real property does not include property suffering significant  
10 property damage that is caused by the owner of the property; and

11 (c) Significant property damage means:

12 (i) Damage to an improvement exceeding twenty percent of the  
13 improvement's assessed value in the current tax year as determined by the  
14 county assessor;

15 (ii) Damage to land exceeding twenty percent of a parcel's assessed  
16 land value in the current tax year as determined by the county assessor;  
17 or

18 (iii) Damage exceeding twenty percent of the property's assessed  
19 value in the current tax year as determined by the county assessor if (A)  
20 such property is located in an area that has been declared a disaster  
21 area by the Governor and (B) a housing inspector or health inspector has  
22 determined that the property is uninhabitable or unlivable.

23 Sec. 16. (1) If real property becomes destroyed real property  
24 during the current assessment year, the property owner shall file a  
25 report of the destroyed real property with the county assessor and county  
26 clerk of the county in which the property is located on or before July 15  
27 of the current assessment year. The report of destroyed real property  
28 shall be made on a form prescribed by the Tax Commissioner.

29 (2) If the destroyed real property was a mobile home that was moved  
30 pursuant to section 77-3708 and required to pay an accelerated tax  
31 pursuant to section 77-1725.01, the property owner shall report the  
1 destroyed real property on or before July 15 in the same manner as other  
2 real property. The property owner may make a request for refund of the  
3 accelerated tax paid pursuant to section 77-1734.01 for any portion of  
4 value reduced by the county board of equalization pursuant to section 17  
5 of this act.

6 (3) The county board of equalization shall consider any report of  
7 destroyed real property received pursuant to this section, and the  
8 assessment of such property shall be made by the county board of  
9 equalization in accordance with section 17 of this act. After county  
10 board of equalization action pursuant to section 17 of this act, the  
11 county assessor shall correct the current year's assessment roll as  
12 provided in section 77-1613.02.

13 Sec. 17. (1) If the county board of equalization receives a report  
14 of destroyed real property pursuant to section 16 of this act, the county  
15 board of equalization shall adjust the assessed value of the destroyed  
16 real property to its assessed value on the date it suffers significant  
17 property damage.

18 (2) The county board of equalization may meet on or after June 1 and  
19 on or before July 25, or on or before August 10 if the board has adopted  
20 a resolution to extend the deadline for hearing protests under section  
21 77-1502, for the purpose of considering the assessed value of destroyed  
22 real property pursuant to this section. Any action of the county board of  
23 equalization which changes the assessed value of destroyed real property  
24 pursuant to this section shall be for the current assessment year only.

25 (3) The county board of equalization shall give notice of the  
26 assessed value of the destroyed real property to the record owner or  
27 agent at his or her last-known address. Protests of the assessed value  
28 proposed for destroyed real property pursuant to this section shall be  
29 filed with the county board of equalization within thirty days after the  
30 mailing of the notice. All provisions of section 77-1502 except dates for  
31 filing a protest, the period for hearing protests, and the date for  
1 mailing notice of the county board of equalization's decision are  
2 applicable to any protest filed pursuant to this section. The county  
3 board of equalization shall issue its decision on the protest within  
4 thirty days after the filing of the protest. Within seven days after the  
5 county board of equalization's final decision, the county clerk shall  
6 mail to the protester written notice of the decision. The notice shall  
7 contain a statement advising the protester that a report of the decision  
8 is available at the county clerk's or county assessor's office, whichever  
9 is appropriate.

10 (4) The action of the county board of equalization upon a protest  
11 filed pursuant to this section may be appealed to the Tax Equalization  
12 and Review Commission within thirty days after the board's final  
13 decision.

14 Sec. 18. Section 77-1725.01, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16 77-1725.01 Except in any city or village that has adopted a building  
17 code with provisions for demolition of unsafe buildings or structures, it  
18 shall be the duty of any assessor, sheriff, constable, city council  
19 member, and village trustee to at once inform the county treasurer of the  
20 removal or demolition of or a levy of attachment upon any item of real  
21 property known to him or her. Except for property considered to be  
22 destroyed real property as defined in section 15 of this act, it ~~is~~ shall  
23 be the duty of the county treasurer to immediately proceed with the

24 collection of any delinquent or current taxes when such acts become known  
25 to him or her in any manner. Except for property considered to be  
26 destroyed real property as defined in section 15 of this act, the ~~The~~  
27 taxes shall be due and collectible, which taxes shall include taxes on  
28 all real property then assessed upon which the tax shall be computed on  
29 the basis of the last preceding levy, and a distress warrant shall be  
30 issued when (1) any person attempts to remove or demolish all or a  
31 substantial portion of his or her real property or (2) a levy of  
1 attachment is made upon the real property. From the date the taxes are  
2 due and collectible, the taxes shall be a first lien upon the personal  
3 property of the person to whom assessed until paid.

4 Sec. 19. Section 77-1734.01, Reissue Revised Statutes of Nebraska,  
5 is amended to read:

6 77-1734.01 (1) In the case of an amended federal income tax return  
7 or whenever a person's return is changed or corrected by the Internal  
8 Revenue Service or other competent authority that decreases the Nebraska  
9 adjusted basis of the person's taxable tangible personal property, the  
10 county treasurer shall refund that portion of the tax paid that is in  
11 excess of the amount due after the amendment or correction.

12 (2) In case of payment made of any property taxes or any payments in  
13 lieu of taxes with respect to property as a result of a clerical error or  
14 honest mistake or misunderstanding, on the part of a county or other  
15 political subdivision of the state or any taxpayer, or accelerated tax  
16 paid for real property that was later adjusted by the county board of  
17 equalization under sections 15 to 17 of this act, the county treasurer to  
18 whom the tax was paid shall refund that portion of the tax paid as a  
19 result of the clerical error or honest mistake or misunderstanding or  
20 that portion of the tax paid that is in excess of the amount due after  
21 the adjustment under sections 15 to 17 of this act. A claim for a refund  
22 pursuant to this section shall be made in writing to the county treasurer  
23 to whom the tax was paid within three years after the date the tax was  
24 due or within ninety days after filing the amended return or the  
25 correction becomes final.

26 (3) Before the refund is made, the county treasurer shall receive  
27 verification from the county assessor or other taxing official that such  
28 error or mistake was made, such adjustment was made, or the amended  
29 return was filed or the correction made, and the claim for refund shall  
30 be submitted to the county board. Upon verification, the county board  
31 shall approve the claim. The refund shall be made in the manner  
1 prescribed in section 77-1736.06. Such refund shall not have a  
2 dispositional effect on any similar refund for another taxpayer. This  
3 section may not be used to challenge the valuation of property, the  
4 equalization of property, or the constitutionality of a tax.

5 Sec. 30. Sections 20 and 32 of this act become operative for all  
6 taxable years beginning or deemed to begin on or after January 1, 2018,  
7 under the Internal Revenue Code of 1986, as amended. Sections 21, 22, 23,  
8 and 33 of this act become operative for all taxable years beginning or  
9 deemed to begin on or after January 1, 2019, under the Internal Revenue  
10 Code of 1986, as amended. The other sections of this act become operative

- 11 on their effective date.  
 12 2. On page 36, line 24, strike "77-101,"; and in line 25 after the  
 13 first comma insert "77-1301, 77-1725.01, 77-1734.01,".  
 14 3. Renumber the remaining sections accordingly.

Senator Wishart filed the following amendment to LB720:  
 AM1790

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21  
 2 strike "subsection" and insert "subdivision"; and after line 25 insert  
 3 the following new subdivisions:  
 4 "(b) The credit percentages prescribed in subsections (4) and (5) of  
 5 this section shall be increased by one percentage point if the taxpayer:  
 6 (i) Is a benefit corporation as defined in section 21-403 and has  
 7 been such a corporation for at least one year prior to submitting an  
 8 application under the ImagiNE Nebraska Act; and  
 9 (ii) Remains a benefit corporation as defined in section 21-403 for  
 10 the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.  
 11 (c) A taxpayer may, if qualified, receive one or both of the  
 12 increases provided in this subsection."

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 130.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to density bonuses and other non-monetary regulatory incentives in municipal zoning ordinances. The issues addressed by this interim study shall include, but not be limited to:

- (1) Current municipal zoning ordinances in Nebraska that include density bonuses or other non-monetary regulatory incentives designed to incentivize affordable housing;
- (2) Density bonus programs and other non-monetary regulatory incentives utilized by municipalities in other states to incentivize affordable housing; and
- (3) Potential benefits of density bonuses and other non-monetary regulatory incentives, including reduced infrastructure costs, creation of mixed-income housing, infill development, job creation, and sustainable multi-modal accessibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 131.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts.

The issues addressed by this interim study shall include, but not be limited to:

(1) The current municipal zoning ordinances in Nebraska that restrict the installation or use of solar energy systems on real property within such municipality or the extraterritorial zoning jurisdiction of such municipality;

(2) The current regulations by sanitary and improvement districts that restrict the installation or use of solar energy systems on real property within such sanitary and improvement district; and

(3) The current regulations by homeowners' associations, including restrictive covenants, which restrict the installation or use of solar energy systems on real property within such associations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 132.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to plumbing codes. The issues addressed by this interim study shall include, but not be limited to:

(1) The current plumbing code statutes, including the 2009 Uniform Plumbing Code, which provides for a default plumbing code in municipalities and counties that do not adopt a local plumbing code;

(2) Whether the 2012, 2015, or 2018 editions of the Uniform Plumbing Code should be adopted as the default plumbing code;

(3) Alternative standard plumbing codes that could be adopted as the default plumbing code, including the International Plumbing Code; and

(4) The interaction between plumbing codes, such as the Uniform Plumbing Code or the International Plumbing Code, and the state building code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 133.** Introduced by Geist, 25.

WHEREAS, Sandy Steinkamp recently retired from the Nebraska American Legion after 46 years of service; and

WHEREAS, Sandy began working for the Nebraska American Legion at the age of 19 and served under five department adjutants during her career, retiring as the executive assistant; and

WHEREAS, Sandy's work included management of accounts, membership, records, and elections, among many other tasks, which she carried out efficiently and dutifully for her community and for the veterans of Nebraska; and

WHEREAS, Sandy enjoys bowling, camping, and all kinds of family activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Sandy Steinkamp on 46 years of service to veterans and wishes her a happy retirement.

2. That a copy of this resolution be sent to Sandy Steinkamp.

Laid over.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Rues, Sharon - State Personnel Board - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson  
Executive Board

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LB96.

(Signed) Justin Wayne

**WITHDRAW - Cointroducer(s)**

Senator Kolowski name withdrawn from LB720.

**VISITOR(S)**

Visitors to the Chamber were students and teachers from St. Mary's School, Lincoln; students from Adams Central Elementary School, Hastings; and Jonas and Andrea Kessler from Lincoln.

**ADJOURNMENT**

At 4:39 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, May 14, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 14, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 14, 2019

**PRAYER**

The prayer was offered by Reverend Leah Lawson, St. John Lutheran Church, Beatrice.

**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, M. Hansen, Lathrop, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB720:  
AM1765

(Amendments to Standing Committee amendments, AM1614)

- 1 1. Strike sections 7, 17, 21, 28, and 73 and insert the following
- 2 new sections:
- 3 Sec. 7. Board means the Nebraska Economic Opportunity Peer-Review
- 4 Board created under section 30 of this act.
- 5 Sec. 8. Carryover period means the period of one year immediately
- 6 following the end of the performance period.
- 7 Sec. 18. Performance period means the year during which the required
- 8 increases in employment and investment were met or exceeded and each year
- 9 thereafter until the end of the second year after the year the required
- 10 increases were met or exceeded.
- 11 Sec. 22. Ramp-up period means the period of time from the date of
- 12 the complete application through the end of the year after the year in
- 13 which the complete application was filed with the board.
- 14 Sec. 29. (1) In order to utilize the incentives allowed in the

15 ImagiNE Nebraska Act, the taxpayer shall file an application with the  
16 board, on a form developed by the director, requesting an agreement.  
17 (2) The application shall:  
18 (a) Identify the taxpayer applying for incentives;  
19 (b) Identify all locations sought to be within the agreement and the  
20 reason each such location constitutes or is expected to constitute a  
21 qualified location;  
22 (c) State the estimated, projected amount of new investment and the  
23 estimated, projected number of new employees;  
24 (d) Identify the required levels of employment and investment for  
25 the various incentives listed within section 35 of this act that will  
26 govern the agreement. The taxpayer may identify different levels of  
1 employment and investment until the first December 31 following the end  
2 of the ramp-up period on a form approved by the director. The identified  
3 levels of employment and investment will govern all years covered under  
4 the agreement;  
5 (e) Identify whether the agreement is for a single qualified  
6 location, all qualified locations within a county, all qualified  
7 locations in more than one county, or all qualified locations within the  
8 state;  
9 (f) Acknowledge that the taxpayer understands the requirements for  
10 offering health coverage, and for reporting the value of such coverage,  
11 as specified in the ImagiNE Nebraska Act;  
12 (g) Acknowledge that the taxpayer does not violate any state or  
13 federal law against discrimination; and  
14 (h) Contain a nonrefundable application fee of five thousand  
15 dollars. The fee shall be remitted to the State Treasurer for credit to  
16 the Nebraska Incentives Fund.  
17 (3) An application must be complete to establish the date of the  
18 application. An application shall be considered complete once it contains  
19 the items listed in subsection (2) of this section.  
20 (4) Once satisfied that the application is consistent with the  
21 purposes stated in the ImagiNE Nebraska Act for one or more qualified  
22 locations within this state, the board shall approve the application as  
23 provided in section 30 of this act.  
24 (5) There shall be no new applications for incentives filed under  
25 this section after December 31, 2029. All complete applications filed on  
26 or before December 31, 2029, shall be considered by the board and  
27 approved if the location or locations and taxpayer qualify for benefits.  
28 Agreements may be executed with regard to complete applications filed on  
29 or before December 31, 2029. All agreements pending, approved, or entered  
30 into before such date shall continue in full force and effect.  
31 Sec. 30. (1) The Nebraska Economic Opportunity Peer-Review Board is  
1 hereby created. The board shall have the following purposes:  
2 (a) Promoting economic development in line with the state's economic  
3 development strategy;  
4 (b) Promoting the retention and growth of high-wage, high-impact  
5 businesses;  
6 (c) Attracting high-wage, high-impact businesses to the state of

7 Nebraska;  
8 (d) Promoting investment in distressed and rural areas; and  
9 (e) Approving incentives for businesses which would not remain,  
10 grow, or move to Nebraska but for such incentives.  
11 (2) The board shall consist of:  
12 (a) Two economists appointed by the Governor and approved by the  
13 Legislature;  
14 (b) One economic development professional appointed by the Governor  
15 and approved by the Legislature;  
16 (c) The Commissioner of Labor;  
17 (d) The Director of Economic Development;  
18 (e) The chairperson of the Appropriations Committee of the  
19 Legislature, who shall serve as a nonvoting, ex officio member.  
20 (f) The chairperson of the Legislative Performance Audit Committee,  
21 who shall serve as a nonvoting, ex officio member;  
22 (g) The chairperson of the Revenue Committee of the Legislature, who  
23 shall serve as a nonvoting, ex officio member;  
24 (h) The President of the University of Nebraska or his or her  
25 designee; and  
26 (i) The Commissioner of Education or his or her designee.  
27 (3) The board shall have the following duties and powers:  
28 (a) To approve or deny applications under the ImagiNE Nebraska Act;  
29 (b) To request any additional information or materials from  
30 taxpayers submitting applications under the act that can demonstrate the  
31 expected effect of incentives under the act on the taxpayer's investment  
1 and employment decisions;  
2 (c) To approve incentives under the act beyond the annual limit as  
3 prescribed in section 31 of this act; and  
4 (d) To set limits on the amounts of credits or incentives a taxpayer  
5 may receive as part of the application approval process.  
6 (4) The board shall elect a chairperson by majority vote of the  
7 voting members.  
8 (5) The board shall meet once each calendar quarter at a time and  
9 place determined by a majority vote of the voting members of the board.  
10 (6) No applications shall be approved under the ImagiNE Nebraska Act  
11 unless approved by a majority vote of the voting members of the board.  
12 (7) At each meeting the board shall consider any complete  
13 applications submitted before the end of the previous calendar quarter.  
14 The board shall publish the results of its decision no later than ten  
15 days after the meeting at which the application was considered, except as  
16 provided in subsection (8) of this section. If the board fails to make  
17 its determination within the period prescribed by this subsection or  
18 subsection (8) of this section, the application is deemed approved.  
19 (8) The board may request, by mail or by electronic means,  
20 additional information or clarification from the taxpayer in order to  
21 make its determination. If such a request is made, the time limit in  
22 subsection (7) of this section shall be tolled from the time the board  
23 makes the request to the time it receives the requested information or  
24 clarification from the taxpayer. The taxpayer and the board may also

25 agree to a longer extension.  
26 (9) The board may set a limit to the amount of credits or incentives  
27 approved for any individual taxpayer as part of the approval process.  
28 (10) The board shall deny the application of any taxpayer with an  
29 active agreement under the Nebraska Advantage Act. A taxpayer with an  
30 active agreement under the Nebraska Advantage Act shall not be eligible  
31 for credits or incentives under the ImagiNE Nebraska Act.  
1 Sec. 31. (1) Except as provided in subsections (2) and (3) of this  
2 section, no more than eighty million dollars of credits or incentives  
3 shall be approved in any year under the ImagiNE Nebraska Act.  
4 (2) The board may, by a majority vote of the voting members, approve  
5 up to an additional forty million dollars in credits or incentives in any  
6 year. If such approval is granted, the annual limit for the following  
7 year shall be reduced by an equal amount.  
8 (3) If less than eighty million dollars of credits or incentives are  
9 approved in a year, the difference between the amount approved and eighty  
10 million dollars shall be carried forward for use in subsequent years.  
11 (4) Upon reaching the annual limit for a year, any pending  
12 applications shall be assessed at the beginning of the next year.  
13 Sec. 48. It is the intent of the Legislature to appropriate five  
14 million dollars from the General Fund to the ImagiNE Nebraska Revolving  
15 Loan Fund for each of fiscal years 2019-20 and 2020-21.  
16 2. On page 1, line 3, strike "44" and insert "48".  
17 3. On page 11, line 8, after "Act" insert "subject to the annual  
18 limit under section 31 of this act and any taxpayer-specific limit set by  
19 the board under section 30 of this act."  
20 4. On page 12, strike beginning with "director" in line 16 through  
21 "director" in line 17 and insert "board, the director, or the Tax  
22 Commissioner shall be kept confidential by the board, the director,".  
23 5. On page 13, line 2, strike "fifteen" and insert "six"; and in  
24 line 28 strike "(1)" and insert "(1)(a)" and strike "director" and insert  
25 "board".  
26 6. On page 14, lines 2 and 29, strike "director" and insert "board";  
27 and strike beginning with the period in line 3 through the period in line  
28 12 and insert "At each of its quarterly meetings, the board shall  
29 consider requests for review submitted before the end of the previous  
30 calendar quarter. The board must complete the review no later than ten  
31 days after the meeting at which the request for review was considered,  
1 except as provided in subdivision (1)(b) of this section. If the board  
2 fails to make its determination within the period prescribed by this  
3 subsection, the certification is deemed approved for the disclosed  
4 activities."; and after line 12 insert the following new subdivision:  
5 "(b) The board may request, by mail or by electronic means,  
6 additional information or clarification from the taxpayer in order to  
7 make its determination. If such a request is made, the time limit in  
8 subdivision (1)(a) of this section shall be tolled from the time the  
9 board makes the request to the time it receives the requested information  
10 or clarification from the taxpayer. The taxpayer and the board may also  
11 agree to a longer extension."

- 12 7. On page 15, line 5, strike "director" and insert "board".  
 13 8. On page 16, line 23, strike "and"; in line 25 strike the period  
 14 and insert "; and"; and after line 25 insert the following new  
 15 subdivision:  
 16 "(8) Any activity that results in benefits under the Nebraska  
 17 Advantage Act."  
 18 9. On page 24, lines 5 and 18, strike "ninth" and insert "fourth".  
 19 10. On page 25, insert the following new subsection after line 15:  
 20 "(9) A taxpayer shall not claim a total amount of credits against  
 21 the taxpayer's income tax liability and payroll withholding that is  
 22 greater than the total amount of the taxpayer's Nebraska state income tax  
 23 liability in any given year."; and in line 16 strike "(9)" and insert  
 24 "(10)".  
 25 11. On page 30, line 24; page 32, lines 13 and 20; and page 39, line  
 26 9, strike "director" and insert "board".  
 27 12. On page 36, lines 27 and 29, after "director's" insert "or  
 28 board's".  
 29 13. On page 37, line 3, after "director" insert ", the board".  
 30 14. Renumber the remaining sections, correct internal references,  
 31 and correct the repealer accordingly.

Senator Bolz filed the following amendment to LB720:  
 AM1795

(Amendments to Standing Committee amendments, AM1614)

- 1 1. Insert the following new sections:  
 2 Sec. 56. Sections 56 to 61 of this act shall be known and may be  
 3 cited as the Customized Job Training Act.  
 4 Sec. 57. The Customized Job Training Act shall be administered by  
 5 the Department of Economic Development to provide funds in the form of  
 6 grants to employers for reimbursement of job training expenses as set  
 7 forth in the act.  
 8 Sec. 58. The Customized Job Training Cash Fund is created. Funds in  
 9 the Customized Job Training Cash Fund shall be used for (1) general  
 10 administrative costs of awarding job training reimbursement grants under  
 11 the Customized Job Training Act and (2) job training reimbursement  
 12 grants. Any money in the fund available for investment shall be invested  
 13 by the state investment officer pursuant to the Nebraska Capital  
 14 Expansion Act and the Nebraska State Funds Investment Act.  
 15 Sec. 59. (1) Employers applying for job training reimbursement  
 16 grants under the Customized Job Training Act shall apply to the  
 17 Department of Economic Development. The department shall provide job  
 18 training reimbursement grants for job training programs for jobs that are  
 19 net new jobs or that result in a net increase in wages per employee. The  
 20 job training reimbursement grants shall be in proportion to the committed  
 21 number of net new jobs created or committed net increase in wages per  
 22 employee. The amount of each grant and number of grants awarded shall be  
 23 determined by the department based upon available funding.  
 24 (2) The department shall create a job training reimbursement grant  
 25 application, have authority to approve applications, and authorize the

26 total amount of job training reimbursement grants expected to be awarded  
1 as a result of the training if the Director of Economic Development is  
2 satisfied that the plan in the application defines training that meets  
3 the eligibility requirements.

4 (3) The department shall submit an annual report electronically to  
5 the Appropriations Committee of the Legislature that includes the total  
6 number of job training reimbursement grants awarded, the total dollar  
7 amount of job training reimbursement grants awarded and to whom, the  
8 total expenditures made in administering the Customized Job Training Act,  
9 the number of individuals trained, the average wage of net new jobs, and  
10 a summary of the training provided.

11 Sec. 60. (1) In order for an employer to apply for a job training  
12 reimbursement grant under the Customized Job Training Act:

13 (a) The jobs being trained for must be net new jobs or result in a  
14 net increase in wages per employee; and

15 (b) The jobs being trained for must meet or exceed the Nebraska  
16 average annual wage.

17 (2) Training may be provided by:

18 (a) The community college system or any accredited postsecondary  
19 educational institution; or

20 (b) Any qualified training provider if the training results in:

21 (i) A national, state, or locally recognized certificate;

22 (ii) Preparation for a professional examination or licensure;

23 (iii) Endorsement for an existing credential or license; or

24 (iv) Development of recognized skill standards as defined by an  
25 industrial sector.

26 Sec. 61. An employer receiving a grant shall provide to the  
27 Department of Economic Development documentation:

28 (1) Showing the completion of the eligible job training. The  
29 department may require reimbursement of any funds for training not  
30 meeting eligibility requirements; and

31 (2) Showing that the employer has maintained or exceeded its current  
1 level of training expenditures in the fiscal year in which the grant was  
2 awarded.

3 2. Renumber the remaining sections accordingly.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR107 was adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR107.

**MOTION(S) - Confirmation Report(s)**

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

Commission for the Deaf and Hard of Hearing  
 Frances Beurivage  
 Sandra Shaw

Voting in the affirmative, 40:

Albrecht	Chambers	Hansen, B.	La Grone	Quick
Arch	Clements	Hilgers	Lindstrom	Scheer
Blood	Crawford	Hilkemann	Linehan	Slama
Bolz	DeBoer	Howard	Lowe	Stinner
Bostelman	Dorn	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Halloran	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Brewer          Erdman          Friesen

Excused and not voting, 6:

Groene	Lathrop	Pansing Brooks
Hansen, M.	Morfeld	Wayne

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

Nebraska Rural Health Advisory Commission  
 Roger A. Wells

Voting in the affirmative, 43:

Albrecht	Chambers	Halloran	Linehan	Slama
Arch	Clements	Hansen, B.	Lowe	Stinner
Blood	Crawford	Hilgers	McCollister	Vargas
Bolz	DeBoer	Hilkemann	McDonnell	Walz
Bostelman	Dorn	Howard	Moser	Wayne
Brandt	Friesen	Hunt	Murman	Williams
Brewer	Geist	Kolowski	Pansing Brooks	Wishart
Briese	Gragert	Kolterman	Quick	
Cavanaugh	Groene	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Erdman          Hughes          La Grone

Excused and not voting, 3:

Hansen, M.      Lathrop          Morfeld

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

#### GENERAL FILE

**LEGISLATIVE BILL 610A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 600A.** Senator Walz offered her amendment, AM1775, found on page 1525.

The Walz amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 295.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 296.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 297.** Senator Stinner offered the Bolz amendment, AM1747, found on page 1513.

The Bolz amendment was adopted 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 293.** ER106, found on page 1438, was offered.

ER106 was adopted.

Senator Chambers offered the following motion:

MO84

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Brewer	Groene	Kolterman	Murman	Wishart
Briese	Halloran	La Grone	Pansing Brooks	
Cavanaugh	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Present and not voting, 2:

Chambers Erdman

The Chambers motion to indefinitely postpone failed with 0 ayes, 47 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO85

Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Arch	DeBoer	Howard	McCollister	Vargas
Blood	Dorn	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Brewer	Groene	La Grone	Pansing Brooks	
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, M.	Lindstrom	Scheer	
Clements	Hilgers	Linehan	Slama	

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Hansen, B.

The Chambers motion to reconsider failed with 1 aye, 46 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO86

Bracket until June 6, 2019.

### **SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 45:

Albrecht	Clements	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Stinner
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Brewer	Gragert	Kolowski	Moser	Wayne
Briese	Groene	Kolterman	Murman	Williams
Cavanaugh	Halloran	La Grone	Pansing Brooks	Wishart

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 2:

Hansen, B. Morfeld

The Chambers motion to bracket failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO88

Reconsider the vote taken to bracket.

Senator Stinner offered the following motion:

MO89

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Quick
Arch	Crawford	Hansen, M.	Lathrop	Scheer
Blood	DeBoer	Hilgers	Lindstrom	Slama
Bolz	Dorn	Hilkemann	Linehan	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Moser	Wayne
Briese	Gragert	Kolowski	Murman	Williams
Cavanaugh	Groene	Kolterman	Pansing Brooks	Wishart

Voting in the negative, 2:

Chambers      Lowe

Excused and not voting, 2:

Hansen, B.      Morfeld

The Stinner motion to invoke cloture prevailed with 45 ayes, 2 nays, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider the vote taken to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

Albrecht	Clements	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bolz	Dorn	Howard	Lowe	Stinner
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Brewer	Gragert	Kolowski	Moser	Wayne
Briese	Groene	Kolterman	Murman	Williams
Cavanaugh	Halloran	La Grone	Pansing Brooks	Wishart

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Hansen, B.      Morfeld

The Chambers motion to reconsider failed with 1 aye, 45 nays, 1 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Murman	Williams
Cavanaugh	Groene	La Grone	Pansing Brooks	Wishart

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Hunt

Excused and not voting, 2:

Hansen, B. Morfeld

Advanced to Enrollment and Review for Engrossment with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Tuesday, May 21, 2019 12:00 p.m.

Debra Nelson-Loseke - Nebraska Tourism Commission  
Starr Lehl - Nebraska Tourism Commission  
Roger L. Jasnoch - Nebraska Tourism Commission  
Christopher Waddle - State Personnel Board  
Sharon Rues - State Personnel Board

(Signed) Tom Brewer, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 134.** Introduced by Slama, 1; Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine the drug testing protocol recently changed by the Division of Children and Family Services

of the Department of Health and Human Services for families involved in the child welfare system.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The reasons the drug testing protocol was changed;
- (2) Other states' experience with drug testing protocols related to child welfare systems;
- (3) The lack of drug testing for initial assessments and structured decision making safety and risk assessments;
- (4) The use of a new drug testing protocol in high-risk cases and the decision not to drug test members of families subject to a safety plan even if substance use is present;
- (5) The lack of substance use disorder evaluations when the structured decision making assessment outcome is safe or conditionally safe;
- (6) The decision not to drug test infants and children who may have been exposed to drugs;
- (7) The number of families subject to a safety plan who have been moved to a court-involved case or who have had children removed from the home due to substance abuse in the home;
- (8) The current laws related to drug testing policies in the child welfare system;
- (9) The number of children placed out-of-home before the drug testing protocol change compared to the number of children placed out-of-home after the change;
- (10) The number of children who tested positive for drugs prior to the drug testing protocol change;
- (11) The impacts of possible drug use on children after the drug testing protocol change;
- (12) The number of drug tests performed on children and on adults prior to the drug testing protocol change compared to the number of such tests after such change;
- (13) The process for holding parents and guardians accountable under a safety plan or case plan; and
- (14) The efforts by the department to find a compromise solution with stakeholders regarding drug testing protocols.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 135.** Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine issues related to food insecurity in Nebraska communities. The issues addressed by this interim study shall include, but not be limited to:

- (1) Tools to reduce food insecurity, including, but not limited to, the Supplemental Nutrition Assistance Program, the Commodity Supplemental Food Program, and the school lunch program;
- (2) Inefficiencies and gaps in the implementation of such programs; and
- (3) Potential statutory changes needed to eliminate such inefficiencies and gaps in implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 295.** Placed on Final Reading.

**LEGISLATIVE BILL 296.** Placed on Final Reading.

**LEGISLATIVE BILL 600.** Placed on Final Reading.

ST23

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "government; to amend sections 43-1311.03, 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514, 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change eligibility and hearing requirements for the bridge to independence program; to change and eliminate legislative findings, declarations, and intent relating to the Nebraska Children's Commission; to provide, change, and eliminate provisions relating to the administration, membership, and duties of the commission; to eliminate a termination date; to state intent regarding funding; to provide, change, and eliminate duties of the Department of Health and Human Services and the Office of Probation Administration related to the commission; to change and eliminate reporting requirements; to eliminate certain duties of the Bridge to Independence Advisory

Committee; to eliminate obsolete provisions; to change transfers of funds affecting the Nebraska Health Care Cash Fund; to change provisions relating to the authority of the deputy public counsel for institutions; to eliminate provisions relating to legislative findings and intent regarding foster care; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 600A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 610A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were students from Lincoln Elementary School, Grand Island; students from Springville Elementary School, Omaha; and students from J. Sterling Morton Elementary School, Millard.

**RECESS**

At 11:56 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wayne who was excused until he arrives.

**MESSAGE(S) FROM THE GOVERNOR**

May 14, 2019

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Allen Simpson, 2401 Ryons Street, Lincoln, NE 68502

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

Janis Elliott, 1306 Lydia Circle, Papillion, NE 68133

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### SELECT FILE

**LEGISLATIVE BILL 298.** ER107, found on page 1439, was adopted.

Senator Hilkemann offered his amendment, AM1748, found on page 1510.

Senator Hilkemann moved for a call of the house. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

Senator Hilkemann requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bolz	Hansen, M.	Lathrop	Morfeld	Vargas
Briese	Hilkemann	Lindstrom	Pansing Brooks	Walz
Cavanaugh	Howard	Linehan	Quick	Wayne
DeBoer	Kolowski	McCollister	Scheer	Williams
Groene	Kolterman	McDonnell	Stinner	Wishart

Voting in the negative, 17:

Albrecht	Chambers	Geist	La Grone	Slama
Bostelman	Clements	Gragert	Lowe	
Brandt	Dorn	Halloran	Moser	
Brewer	Erdman	Hilgers	Murman	

Present and not voting, 7:

Arch	Crawford	Hansen, B.	Hunt
Blood	Friesen	Hughes	

The Hilkemann amendment was adopted with 25 ayes, 17 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO90

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Moser offered the following amendment:

FA77

Strike AM1748.

Senator Moser moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

The Moser amendment was adopted with 25 ayes, 14 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 538.** Placed on Final Reading.

ST24

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM1768:
  - a. In lieu of the Lathrop amendment, FA72, on page 4, the matter beginning with "An" in line 29 through "devices" in line 31 has been struck and "An owner or operator of a retail establishment shall operate no more than four cash devices, except that an establishment with over four thousand square feet may have one cash device for each one thousand square feet, up to a maximum of fifteen cash devices" inserted; and
  - b. On page 6, line 2, a comma has been inserted after "2019".
2. On page 1, the matter beginning with "gambling" in line 1 through line 7 and all amendments thereto have been struck and "gambling; to amend sections 28-1107, 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, and section 77-5601, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019; to change

provisions relating to possession of a gambling device; to define and redefine terms under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties and powers for, the Department of Revenue as prescribed; to restrict operation of a cash device as prescribed; to provide for the use of certain fees for enforcement; to authorize the manufacture, sale, transport, placement, possession, or entry into transactions involving certain cash devices as prescribed; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 538A.** Placed on Final Reading.

**LEGISLATIVE BILL 293.** Placed on Final Reading.

**LEGISLATIVE BILL 297.** Placed on Final Reading.

ST25

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1482, sections 44, 45, and 46 have been renumbered as sections 45, 46, and 44, respectively.

(Signed) Julie Slama, Chairperson

#### **NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Wednesday, May 22, 2019 12:30 p.m.

James Patterson - Nebraska Commission on Problem Gambling

(Signed) Tom Briese, Chairperson

#### **COMMUNICATION**

Received communication from Kyle Schneweis, P.E., Director, Nebraska Department of Transportation, regarding the following appointment to the position of Director of the Division of Aeronautics:

Ann B. Richart, AAE

#### **SELECT FILE**

**LEGISLATIVE BILL 294.** ER109, found on page 1451, was adopted.

Senator Stinner offered the Bolz amendment, AM1746, found on page 1513.

**SENATOR WILLIAMS PRESIDING**

Senator Halloran moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Bolz amendment.

Senator Stinner offered the following motion:

MO91

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Blood	Geist	Kolowski	Morfeld	Wayne
Bolz	Groene	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lathrop	Quick	Wishart
Chambers	Hilgers	Lindstrom	Scheer	
Crawford	Hilkemann	Linehan	Stinner	
DeBoer	Howard	McCollister	Vargas	
Dorn	Hunt	McDonnell	Walz	

Voting in the negative, 14:

Albrecht	Brewer	Gragert	La Grone	Murman
Arch	Clements	Halloran	Lowe	Slama
Bostelman	Erdman	Hansen, B.	Moser	

Present and not voting, 4:

Brandt	Briese	Friesen	Hughes
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The Stinner motion to invoke cloture failed with 31 ayes, 14 nays, and 4 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 299.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 298.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Elliot, Janis - Public Employees Retirement Board - Nebraska Retirement Systems  
 Richart, Ann - Director, Division of Aeronautics, Department of Transportation - Transportation and Telecommunications  
 Simpson, Allen - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) Mike Hilgers, Chairperson  
 Executive Board

**AMENDMENT(S) - Print in Journal**

Senator Clements filed the following amendment to LB294:  
 FA73  
 Amend AM1746  
 Strike Section 6.

Senator La Grone filed the following amendment to LB294:  
 AM1638

(Amendments to Standing Committee amendments, AM1329)

1 1. On page 27, strike line 13 and insert "GENERAL FUND 29,998,753  
 2 37,474,452"; and strike line 15 and insert "PROGRAM TOTAL 32,015,428  
 3 39,526,833".

Senator Cavanaugh filed the following amendment to LB720:  
 AM1798

(Amendments to Standing Committee amendments, AM1614)

1 1. Insert the following new section:  
 2 Sec. 45. (1) For any taxpayer that is a domestic corporation with a  
 3 board of directors, such taxpayer shall not qualify for any incentives  
 4 under the ImagiNE Nebraska Act unless at least one-half of the members of  
 5 the taxpayer's board of directors are female. Such requirement shall  
 6 continue to apply to the taxpayer throughout the performance period. If a  
 7 taxpayer fails to meet such requirement at any time during the  
 8 performance period, such failure shall be treated in the same manner as a  
 9 failure to maintain the required level of employment for purposes of any  
 10 recapture and disallowance of incentives under section 34 of this act.  
 11 (2) For purposes of this section, female means an individual who  
 12 self-identifies as a woman, without regard to the individual's designated  
 13 sex at birth.  
 14 2. On page 1, line 3, strike "44" and insert "45".  
 15 3. On page 10, line 2, strike "and"; in line 5 strike the period and  
 16 insert "; and"; and after line 5 insert the following new subdivision:  
 17 "(i) If the taxpayer is a domestic corporation with a board of

18 directors, contain information regarding the gender of the members of the  
19 board of directors at the time of application and, if necessary, a  
20 timetable showing the year the taxpayer expects to meet the requirements  
21 in section 45 of this act with respect to its board of directors."  
22 4. On page 38, line 7, strike the second "and"; and in line 10 after  
23 "wages" insert ", and (v) the percentage of female members on the boards  
24 of directors of such taxpayers".  
25 5. Renumber the remaining sections and correct internal references  
26 accordingly.

Senator Cavanaugh filed the following amendment to LB720:  
AM1797

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 10, line 2, after "discrimination" insert "and shall not  
2 discriminate against any employee or applicant for employment because of  
3 such employee's or applicant's race, color, religion, sex, disability,  
4 marital status, national origin, sexual orientation, or gender identity".  
5 2. On page 12, line 14, after "discrimination" insert "and not  
6 discriminate against any employee or applicant for employment because of  
7 such employee's or applicant's race, color, religion, sex, disability,  
8 marital status, national origin, sexual orientation, or gender identity".

### VISITOR(S)

Visitors to the Chamber were students from Springfield Elementary School;  
and students from North Park Elementary School, Broken Bow.

### ADJOURNMENT

At 6:47 p.m., on a motion by Senator Slama, the Legislature adjourned until  
9:00 a.m., Wednesday, May 15, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-SEVENTH DAY - MAY 15, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 15, 2019

**PRAYER**

The prayer was offered by Pastor Grant Hewitt, Southern Director for the Christian Medical and Dental Associations, Fort Worth, TX.

**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 Cavanaugh, DeBoer, Geist, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 299.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 108, 109, and 110 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 108, 109, and 110.

**SELECT FILE**

**LEGISLATIVE BILL 464.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 675.** ER108, found on page 1451, was adopted.

Senator Groene offered his amendment, AM1675, found on page 1524.

The Groene amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 720.** Title read. Considered.

Committee AM1614, found on page 1462, was offered.

Senator Kolterman withdrew his amendment, AM1198, found on page 1085.

Senator Kolterman asked unanimous consent to withdraw his amendment, AM1684, found on page 1512, to the committee amendment, and replace it with the Bolz substitute amendment, AM1795, found on page 1541. No objections. So ordered.

Pending.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 464.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Bostelman filed the following amendment to LB583:  
AM1556

1 1. Insert the following new section:  
2 Section 1. Section 13-2914, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 13-2914 A political subdivision shall not use a design-build  
5 contract or construction management at risk contract under the Political  
6 Subdivisions Construction Alternatives Act for a project, in whole or in  
7 part, for road, street, highway, water, wastewater, utility, or sewer  
8 construction, except that a city of the metropolitan class may use a  
9 design-build contract or construction management at risk contract for the  
10 purpose of complying with state or federal requirements to control or  
11 minimize overflows from combined sewers.

- 12 2. On page 3, strike beginning with "with" in line 2 through  
 13 "Census" in line 5; and strike beginning with "described" in line 6  
 14 through the second "subdivision" in line 7.  
 15 3. On page 15, line 9, after "resolution" insert "or an ordinance";  
 16 and in line 10 after "sections" insert "13-2914,".  
 17 4. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING(S)**  
 Transportation and Telecommunications

Room 1510

Tuesday, May 28, 2019 12:00 p.m.

Ann Richart - Division of Aeronautics-Department of Transportation

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 720.** Senator Erdman offered the following motion:  
 MO92  
 Bracket until June 6, 2019.

Pending.

**COMMITTEE REPORT(S)**  
 Appropriations

**LEGISLATIVE BILL 481.** Placed on General File with amendment.  
 AM1815

- 1 1. Strike the original section and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 6 of this act shall be known and may be  
 4 cited as the Brain Injury Trust Fund Act.  
 5 Sec. 2. For purposes of the Brain Injury Trust Fund Act:  
 6 (1) Brain injury has the definition found in section 81-654; and  
 7 (2) Committee means the Brain Injury Oversight Committee created in  
 8 section 3 of this act.  
 9 Sec. 3. (1) The Brain Injury Oversight Committee is created. The  
 10 committee shall consist of nine public members and the following  
 11 directors, or their designees: The Commissioner of Education; the  
 12 Director of Behavioral Health of the Department of Health and Human  
 13 Services; and the Director of Public Health of the Department of Health  
 14 and Human Services. The Governor shall appoint the nine public members  
 15 which shall include individuals with a brain injury or family members of  
 16 individuals with a brain injury, a representative of a public or private  
 17 health-related organization, a representative of a developmental  
 18 disability advisory or planning group within Nebraska, a representative

19 of service providers for individuals with a brain injury, and a  
20 representative of a nonprofit brain injury advocacy organization.  
21 (2) The Governor shall appoint the public members within ninety days  
22 after the operative date of this act. The Governor shall designate the  
23 initial terms so that three members serve one-year terms, three members  
24 serve two-year terms, and three members serve three-year terms. Their  
25 successors shall be appointed for four-year terms. Any vacancy shall be  
26 filled from the same category for the remainder of the unexpired term.  
27 Any member of the committee shall be eligible for reappointment. At least  
1 one member of the committee shall be appointed from each congressional  
2 district.

3 (3) The committee shall select a chairperson and such other officers  
4 as it deems necessary to perform its functions and shall establish  
5 policies to govern its procedures. The committee shall meet at least four  
6 times annually, and at any other time as the business of the committee  
7 requires, and shall meet at such place as may be established by the  
8 chairperson. The public members of the committee shall be reimbursed for  
9 their actual and necessary expenses as provided in sections 81-1174 to  
10 81-1177.

11 Sec. 4. The committee shall:

12 (1) Provide financial oversight and direction to the University of  
13 Nebraska Medical Center in the management of the Brain Injury Trust Fund;

14 (2) Develop criteria for expenditures from the Brain Injury Trust  
15 Fund; and

16 (3) Represent the interests of individuals with a brain injury and  
17 their families through advocacy, education, training, rehabilitation,  
18 research, and prevention.

19 Sec. 5. (1) The Brain Injury Trust Fund is created. The fund shall  
20 consist of appropriations from the Legislature, transfers authorized by  
21 the Legislature, grants, and any contributions designated for the purpose  
22 of the fund. Any money in the fund available for investment shall be  
23 invested by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (2)(a) The fund shall be administered through a contract with the  
26 University of Nebraska Medical Center for administration, accounting, and  
27 budgeting purposes and used to pay for contracts for assistance for  
28 individuals with a brain injury with outside sources that specialize in  
29 the area of brain injury. Such outside sources shall operate, at a  
30 minimum, statewide, and also in targeted areas as defined and determined  
31 in the contract, with individuals with a brain injury; work to secure and  
1 develop community-based services for individuals with a brain injury;  
2 provide support groups and access to pertinent information, medical  
3 resources, and service referrals for individuals with a brain injury; and  
4 educate professionals who work with individuals with a brain injury.

5 (b) Expenditures from the fund may also include, but not be limited  
6 to:

7 (i) Resource facilitation. Resource facilitation shall be given  
8 priority and made available to provide ongoing support for individuals  
9 with a brain injury and their families for coping with brain injuries.

10 Resource facilitation may provide a linkage to existing services and  
11 increase the capacity of the state's providers of services to individuals  
12 with a brain injury by providing brain-injury-specific information,  
13 support, and resources and enhancing the usage of support commonly  
14 available in a community. Agencies providing resource facilitation shall  
15 specialize in providing services to individuals with a brain injury and  
16 their families;  
17 (ii) Voluntary training for service providers in the appropriate  
18 provision of services to individuals with a brain injury;  
19 (iii) Followup contact to provide information on brain injuries for  
20 individuals on the brain injury registry established in the Brain Injury  
21 Registry Act;  
22 (iv) Activities to promote public awareness of brain injury and  
23 prevention methods;  
24 (v) Supporting research in the field of brain injury;  
25 (vi) Providing and monitoring quality improvement processes with  
26 standards of care among brain injury service providers; and  
27 (vii) Collecting data and evaluating how the needs of individuals  
28 with a brain injury and their families are being met in this state.  
29 (c) No more than ten percent of the fund shall be used for  
30 administration of the fund.  
31 (d) Data collection and evaluation pursuant to this section shall  
1 not be a burden or unnecessary hardship to individuals with a brain  
2 injury or service providers.  
3 (e) Nothing in this section shall require a professional, provider,  
4 caregiver, or individual to receive training as a condition of receiving  
5 or providing nonmedical services to individuals with a brain injury.  
6 Sec. 6. It is the intent of the Legislature to appropriate five  
7 hundred thousand dollars from the Nebraska Health Care Cash Fund annually  
8 beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for  
9 purposes of carrying out the Brain Injury Trust Fund Act.  
10 Sec. 7. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
11 amended to read:  
12 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
13 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
14 on or before July 15, 2014, (b) sixty million three hundred fifty  
15 thousand dollars on or before July 15, 2015, (c) sixty million three  
16 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
17 million seven hundred thousand dollars on or before July 15, 2017, (e)  
18 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
19 million six hundred thousand dollars on or before July 15, 2018, (g)  
20 sixty-one million three hundred fifty thousand dollars on or before July  
21 15, 2019, and (h) sixty million ~~four~~ nine hundred fifty thousand dollars  
22 on or before every July 15 thereafter from the Nebraska Medicaid  
23 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
24 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
25 be reduced by the amount of the unobligated balance in the Nebraska  
26 Health Care Cash Fund at the time the transfer is made. The state  
27 investment officer shall advise the State Treasurer on the amounts to be

28 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
29 until the fund balance is depleted and from the Nebraska Tobacco  
30 Settlement Trust Fund thereafter in order to sustain such transfers in  
31 perpetuity. The state investment officer shall report electronically to  
1 the Legislature on or before October 1 of every even-numbered year on the  
2 sustainability of such transfers. The Nebraska Health Care Cash Fund  
3 shall also include money received pursuant to section 77-2602. Except as  
4 otherwise provided by law, no more than the amounts specified in this  
5 subsection may be appropriated or transferred from the Nebraska Health  
6 Care Cash Fund in any fiscal year.

7 The State Treasurer shall transfer ten million dollars from the  
8 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
9 June 28, 2018, and June 28, 2019.

10 It is the intent of the Legislature that no additional programs are  
11 funded through the Nebraska Health Care Cash Fund until funding for all  
12 programs with an appropriation from the fund during FY2012-13 are  
13 restored to their FY2012-13 levels.

14 (2) Any money in the Nebraska Health Care Cash Fund available for  
15 investment shall be invested by the state investment officer pursuant to  
16 the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act.

18 (3) The University of Nebraska and postsecondary educational  
19 institutions having colleges of medicine in Nebraska and their affiliated  
20 research hospitals in Nebraska, as a condition of receiving any funds  
21 appropriated or transferred from the Nebraska Health Care Cash Fund,  
22 shall not discriminate against any person on the basis of sexual  
23 orientation.

24 (4) The State Treasurer shall transfer fifty thousand dollars on or  
25 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
26 Board of Regents of the University of Nebraska for the University of  
27 Nebraska Medical Center. It is the intent of the Legislature that these  
28 funds be used by the College of Public Health for workforce training.

29 (5) It is the intent of the Legislature that the cost of the staff  
30 and operating costs necessary to carry out the changes made by Laws 2018,  
31 LB439, and not covered by fees or federal funds shall be funded from the  
1 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

2 Sec. 8. This act becomes operative on July 15, 2020.

3 Sec. 9. Original section 71-7611, Reissue Revised Statutes of  
4 Nebraska, is repealed.

(Signed) John Stinner, Chairperson

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 481A.** 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 481, One Hundred Sixth Legislature, First Session, 2019.

### RESOLUTION(S)

#### **LEGISLATIVE RESOLUTION 136.** Introduced by Vargas, 7.

WHEREAS, Noah Fant was selected by the Denver Broncos as the twentieth overall pick in the 2019 National Football League Draft; and

WHEREAS, Noah Fant is the first Nebraskan to be selected in the first round of the National Football League draft since 1987; and

WHEREAS, Noah Fant is a graduate of Omaha South High School, class of 2016, where he played both basketball and football and was selected as a member of the 2015 Omaha World-Herald's Super Six team, which recognizes the top six high school football players in Nebraska; and

WHEREAS, Noah Fant finished his college football career at the University of Iowa with 78 catches for 1,082 yards and 19 touchdowns, breaking a school record for career touchdowns by a tight end; and

WHEREAS, Noah Fant earned a third team All-Big Ten selection in 2017 and a first team All-Big Ten selection in 2018; and

WHEREAS, Noah Fant embodies the work ethic, humility, and dedication of Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding achievements of Noah Fant and wishes him the best of luck in his career in the National Football League.

2. That a copy of this resolution be sent to Noah Fant and his family.

Laid over.

#### **LEGISLATIVE RESOLUTION 137.** Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the Nebraska Condominium Act, which was last updated in 1993. The issues addressed by this interim study shall include, but not be limited to:

(1) A statute of limitations on actions by a homeowners' association against a developer;

(2) The percentage of the homeowners' association required vote in favor prior to proceeding with litigation;

(3) The imposition of a mediation requirement prior to litigation;

(4) The imposition of a requirement that the homeowners' association adhere to preventative maintenance plans; and

(5) Selling units of real estate while the homeowners' association is involved in litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 138.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this interim study is to identify for adoption by the Legislature three to five infrastructure project opportunities in eastern Nebraska of sufficient size and scale to provide flood control, a stable and reliable drinking water supply, power generation, climate change mitigation, and recreation, and to attract and retain a workforce to foster regional and economic growth.

To identify such opportunities in eastern Nebraska, the study shall:

(1) Compile information regarding: (a) Hydrology and water supply, (b) geotechnical information, (c) existing infrastructure, (d) existing and future recreation and economic needs in the region, (e) existing and expected economic data for the region, (f) existing and expected demographic data for the region, (g) future land use master plans, (h) existing and planned transportation infrastructure, and (i) land ownership data;

(2) Develop threshold criteria regarding the size needed to be a viable project;

(3) Identify potential project locations, opportunities, and constraints including: (a) Proximity to urban areas and centers of economic development, (b) size, (c) water and land availability, (d) existing infrastructure, (e) socioeconomic considerations, (f) environmental impact, (g) public acceptance or opposition, (h) ability to obtain federal, state, and local permits, (i) relocation of communities, (j) public safety, and (k) long-term operation and maintenance needs; and

(4) Define project elements to maximize the benefits within physical constraints of the project, including concept-level definitions of infrastructure improvements, recreational amenities, and land requirements.

Such study shall be conducted by the Natural Resources Committee of the Legislature in consultation with the University of Nebraska, the Department of Economic Development, and the Department of Natural Resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 139.** Introduced by Lowe, 37; Howard, 9; Murman, 38; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of increasing the presence of the University of Nebraska Medical Center in central and western Nebraska by strengthening existing collaborations and creating new collaborations with the University of Nebraska at Kearney for education, research, and community outreach for health professionals. The issues addressed by this interim study shall include, but not be limited to:

- (1) Identification of priority health professions that are experiencing extreme shortages;
- (2) Current health professional training programs and the sustainability of such programs;
- (3) The current preceptorship pool available to provide clinical training to students;
- (4) Technology to assist in the provision of educational and care delivery opportunities;
- (5) The importance of public-private partnerships in providing educational and care delivery opportunities; and
- (6) Recommendations for potential strategies and funding sources to achieve priority opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Briese filed the following amendment to LB397:  
AM1828

- 1 1. On page 2, line 23, strike "(2)" and insert "(2)(a)"; and in line 2 30 strike "(a)" and insert "(b)".
- 3 2. On page 3, line 9, strike "or" and insert "and"; in line 12, 4 strike "containing" and insert "whether or not it contains"; strike 5 beginning with "the" in line 14 through "An" in line 16 and insert "an"; 6 in line 18 strike "federal" and insert "Federal"; and strike beginning 7 with the underscored semicolon in line 19 through "derivatives" in line 8 23.
- 9 3. On page 21, line 1, strike "as" and insert "in the form of" 10 ongoing litigation that has not reached a final order as reasonably" and

11 strike "the satisfaction of"; in line 9 after "years" insert ", unless  
 12 such removal is subject to a good faith dispute in the form of an ongoing  
 13 challenge under administrative procedure or litigation that has not  
 14 reached a final order as reasonably documented to the Attorney General";  
 15 in line 10 strike "litigation pending against, or"; in line 11 strike the  
 16 underscored comma; and in line 25 after "business" insert ", unless the  
 17 suspension or revocation is subject to a good faith dispute in the form  
 18 of an ongoing challenge under administrative procedure or litigation that  
 19 has not reached a final order as reasonably documented to the Attorney  
 20 General".  
 21 4. On page 22, line 3, after "Commissioner" insert ", unless such  
 22 failure is subject to a good faith dispute in the form of an ongoing  
 23 challenge under administrative procedure or litigation that has not  
 24 reached a final order as reasonably documented to the Attorney General".

### VISITOR(S)

Visitors to the Chamber were students from Plattsmouth Elementary School; and Senator DeBoer's parents, John and Elaine DeBoer, from Omaha, and Senator DeBoer's sister, nieces, and nephew, Johanna, Evy, Charlotte, and Ben Anderson, from Lincoln.

### RECESS

At 12:16 p.m., on a motion by Senator Geist, 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, B. Hansen, Howard, Hughes, Hunt, Kolterman, Morfeld, and Murman who were excused until they arrive.

### AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB720:  
 AM1767

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 6, line 4, after the semicolon insert "or"; in line 5  
 2 strike "; or" and insert an underscored period; and strike lines 6  
 3 through 10.

Senator Chambers filed the following amendment to LB720:

FA78

Amend AM1614

Page 10, line 1 strike beginning with "violate" through "discrimination" in line 2 and insert "discriminate on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, age, disability, sexual orientation, or gender identity".

Senator Vargas filed the following amendment to LB720:

AM1491

(Amendments to Standing Committee amendments, AM1614)

1 1. Insert the following new section:

2 Sec. 45. (1) The Legislature finds and declares that:

3 (a) Nationwide and in Nebraska, women are paid significantly less  
 4 than men. In addition to wage disparity, women make up a small share of  
 5 top leadership positions in private businesses. In recent years, women  
 6 have made some gains in leadership positions, and experience has shown  
 7 that the increase of women in leadership is helping businesses thrive in  
 8 unprecedented ways. For over fifty years, equal pay laws have sought to  
 9 remedy persistent disparities based on sex and gender in the workplace.  
 10 Nevertheless, gender-based disparities with regard to pay and leadership  
 11 status persist and have created a wage gap in Nebraska negatively  
 12 impacting working women, working families, our state budget, and our  
 13 state and national economies;

14 (b) The persistent gender disparities illustrate that this state  
 15 must do better and must modernize its equal pay laws with innovative and  
 16 creative policy strategies. Research shows that if the state waits for a  
 17 private market correction, Nebraska women will not realize equal pay for  
 18 equal work until 2066. That pace is unacceptable. The state must be  
 19 proactive and take additional steps to make equal pay a reality; and

20 (c) The ImagiNE Nebraska Act encourages and rewards employers that  
 21 create new, quality jobs in Nebraska. Quality jobs are jobs provided by  
 22 employers that (i) recognize that women are a significant portion of  
 23 Nebraska's workforce and (ii) provide for pay and employment equity for  
 24 women, including equity in leadership.

25 (2) For any taxpayer that is a domestic corporation with a board of  
 26 directors, such taxpayer shall not qualify for any incentives under the  
 1 ImagiNE Nebraska Act unless at least one-half of the members of the  
 2 taxpayer's board of directors are female. Such requirement shall continue  
 3 to apply to the taxpayer throughout the performance period. If a taxpayer  
 4 fails to meet such requirement at any time during the performance period,  
 5 such failure shall be treated in the same manner as a failure to maintain  
 6 the required level of employment for purposes of any recapture and  
 7 disallowance of incentives under section 34 of this act.

8 (3) For purposes of this section, female means an individual who  
 9 self-identifies as a woman, without regard to the individual's designated  
 10 sex at birth.

11 2. On page 1, line 3, strike "44" and insert "45".

12 3. On page 10, line 2, strike "and"; in line 5 strike the period and

13 insert "; and"; and after line 5 insert the following new subdivision:  
 14 "(i) If the taxpayer is a domestic corporation with a board of  
 15 directors, contain information regarding the gender of the members of the  
 16 board of directors at the time of application and, if necessary, a  
 17 timetable showing the year the taxpayer expects to meet the requirements  
 18 in section 45 of this act with respect to its board of directors."  
 19 4. On page 38, line 7, strike the second "and"; and in line 10 after  
 20 "wages" insert ", and (v) the percentage of female members on the boards  
 21 of directors of such taxpayers".  
 22 5. Renumber the remaining sections and correct internal references  
 23 accordingly.

Senator M. Hansen filed the following amendment to LB720:  
 AM1826

(Amendments to Standing Committee amendments, AM1614)

1 1. Strike section 10 and insert the following new sections:  
 2 Sec. 10. Employer-sponsored health insurance means a plan (1) that  
 3 offers minimum essential coverage under an eligible employer-sponsored  
 4 plan, as those terms are defined and described in section 5000A of the  
 5 Internal Revenue Code of 1986, as amended, and the regulations for such  
 6 section as they existed on the effective date of this act and (2) the  
 7 entire cost of which is paid by the employer.  
 8 Sec. 11. Employer-sponsored retirement account means any retirement  
 9 account to which the employer contributes at least five percent of the  
 10 employee's wages per month.  
 11 Sec. 12. (1) Full-time employees means the number of employees who,  
 12 for a calendar month, are (a) employed on average at least thirty hours  
 13 per week and (b) provided with employer-sponsored health insurance, paid  
 14 family and medical leave, employer-sponsored retirement accounts, health  
 15 savings accounts, and dependent care flexible spending accounts.  
 16 (2) Hours worked by part-time employees shall not be considered for  
 17 purposes of determining the number of full-time employees.  
 18 Sec. 13. Health savings account means an account as defined in 26  
 19 U.S.C. 223, as such section existed on the effective date of this act.  
 20 Sec. 20. Paid family and medical leave means six weeks of paid leave  
 21 eligible for leave under the federal Family and Medical Leave Act of  
 22 1993, 29 U.S.C. 2601 et seq., as such act existed on the effective date  
 23 of this act.  
 24 2. On page 1, line 3, strike "44" and insert "48".  
 25 3. On page 3, lines 18, 19, 20, 26, 28, and 29, strike "equivalent"  
 26 and insert "full-time"; strike beginning with the comma in line 21  
 1 through the comma in line 22; and strike beginning with the comma in line  
 2 30 through the comma in line 31.  
 3 4. On page 4, lines 5, 6, and 7, strike "equivalent" and insert  
 4 "full-time"; strike beginning with the comma in line 8 through the comma  
 5 in line 9; and strike lines 20 through 29.  
 6 5. On page 17, strike lines 7 through 20 and insert "subdivision,  
 7 the average wage of the taxpayer's employees at the qualified location or  
 8 locations for each year of the performance period must equal at least one  
 9 hundred fifty percent of the Nebraska statewide average hourly wage for  
 10 the year of application."

- 11 6. On page 19, line 27; page 20, lines 4 and 5, 8 and 9, 12 and 13,  
 12 16 and 17, 26, and 29 and 30; and page 21, lines 2 and 3, 6 and 7, 16 and  
 13 17, 20 and 21, and 24 and 25, strike "if the average wage of the new  
 14 employees equals" and insert "who are paid wages of".  
 15 7. On page 23, strike beginning with "and" in line 21 through "act"  
 16 in line 30.  
 17 8. On page 33, strike beginning with "and" in line 4 through "act"  
 18 in line 5 and insert "requirement of subdivision (1)(c) of section 32 of  
 19 this act and the requirement to provide the benefits described in  
 20 subdivision (1)(b) of section 12 of this act".  
 21 9. On page 53, strike the new matter in lines 30 and 31 and insert  
 22 "and sections 10, 14, 19, 24, 26, 27, 36, 39, and 47 of this act".  
 23 10. Renumber the remaining sections and correct internal references  
 24 accordingly.

Senator Scheer filed the following amendment to LB720:  
 AM1836

(Amendments to Standing Committee amendments, AM1614)

- 1 1. Insert the following new sections:  
 2 Sec. 56. Sections 56 to 63 of this act shall be known and may be  
 3 cited as the Community Economic Opportunities Act.  
 4 Sec. 57. The purpose of the Community Economic Opportunities Act is  
 5 to provide capital for economic development projects in areas of the  
 6 state that are underserved by Nebraska's employment and investment  
 7 incentive programs.  
 8 Sec. 58. For purposes of the Community Economic Opportunities Act:  
 9 (1) Board means the Community Economic Opportunities Board  
 10 established in section 59 of this act;  
 11 (2) Department means the Department of Economic Development;  
 12 (3) Eligible community means a county in Nebraska with fewer than  
 13 forty thousand residents as determined by the most recent federal  
 14 decennial census; and  
 15 (4) Eligible project means an economic development project proposed  
 16 by a private business that:  
 17 (a) By its terms is not eligible to receive incentives under the  
 18 ImagiNE Nebraska Act;  
 19 (b) Will provide employment, investment, or both, to an eligible  
 20 community; and  
 21 (c) Is determined by the department to have a likelihood of  
 22 resulting in a high rate of return on investment.  
 23 Sec. 59. (1) The Community Economic Opportunities Board is  
 24 established. The board shall be comprised of two persons representing  
 25 economic developers, two persons representing counties or municipalities,  
 26 and one person representing business. Members shall be appointed by the  
 1 Governor and approved by the Legislature with at least one member  
 2 residing in each of Nebraska's congressional districts. Additionally, the  
 3 Speaker of the Legislature, the chairperson of the Appropriations  
 4 Committee of the Legislature, and the chairperson of the Revenue  
 5 Committee of the Legislature shall serve as nonvoting members on the

6 board. Members shall serve two-year terms except that the terms of one  
7 person representing economic developers and one person representing  
8 counties or municipalities appointed upon the creation of the board shall  
9 be for three years. The board shall select a chairperson from among its  
10 members. Members shall serve without compensation but shall be reimbursed  
11 for their actual and necessary expenses as provided in sections 81-1174  
12 to 81-1177. Board meetings may be conducted by telephone or  
13 teleconference.

14 (2) The board shall meet subject to the call of the chair to select  
15 projects for funding under the Community Economic Opportunities Act from  
16 recommendations by the department. The board may approve up to two  
17 million dollars each year to fund eligible projects.

18 Sec. 60. The department shall develop procedures for applying for  
19 funding under the Community Economic Opportunities Act and shall develop  
20 guidelines and parameters for rating and selecting projects for  
21 submission to the board.

22 Sec. 61. The Community Economic Opportunities Fund is created. The  
23 fund shall be administered by the department to provide funding for  
24 eligible projects approved by the board under section 59 of this act. The  
25 fund shall consist of transfers and appropriations authorized by the  
26 Legislature and any gifts, grants, bequests, or donations to the fund.  
27 Any money in the fund available for investment shall be invested by the  
28 state investment officer pursuant to the Nebraska Capital Expansion Act  
29 and the Nebraska State Funds Investment Act.

30 Sec. 62. (1) On or before October 31, 2020, and each October 31  
31 thereafter, the Director of Economic Development shall electronically  
1 submit to the Legislature a report on the Community Economic  
2 Opportunities Act for the previous fiscal year.

3 (2) The report shall list projects that were approved for funding by  
4 the board and shall include the location of the project, the entity  
5 receiving funding, and a description of the project.

6 Sec. 63. (1) On or before July 1, 2020, the State Treasurer shall,  
7 on such date as directed by the budget administrator of the budget  
8 division of the Department of Administrative Services, transfer two  
9 million dollars from the General Fund to the Community Economic  
10 Opportunities Fund.

11 (2) On or before July 1, 2021, the State Treasurer shall, on such  
12 date as directed by the budget administrator of the budget division of  
13 the Department of Administrative Services, transfer two million dollars  
14 from the General Fund to the Community Economic Opportunities Fund.

15 (3) It is the intent of the Legislature to appropriate two million  
16 dollars to the Community Economic Opportunities Fund annually for  
17 purposes of carrying out the Community Economic Opportunities Act.

18 2. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB720:  
AM1845 is available in the Bill Room.

**GENERAL FILE**

**LEGISLATIVE BILL 686.** Title read. Considered.

Committee AM1737, found on page 1522, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1859 is available in the Bill Room.

Senator Friesen withdrew his amendment.

The committee amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 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 720A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1510

Thursday, May 23, 2019 8:00 a.m.

Allen Simpson - Public Employees Retirement Board  
Janis Elliott - Public Employees Retirement Board  
Michael D. Jahnke - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Erdman filed the following amendment to LB719:  
AM1820

(Amendments to Standing Committee amendments, AM258)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 60-6,190, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 60-6,190 (1) Whenever the Department of Transportation determines,  
5 upon the basis of an engineering and traffic investigation, that any  
6 maximum speed limit is greater or less than is reasonable or safe under  
7 the conditions found to exist at any intersection, place, or part of the  
8 state highway system outside of the corporate limits of cities and  
9 villages as well as inside the corporate limits of cities and villages on  
10 freeways which are part of the state highway system, it may determine and  
11 set a reasonable and safe maximum speed limit for such intersection,  
12 place, or part of such highway which shall be the lawful speed limit when  
13 appropriate signs giving notice thereof are erected at such intersection,  
14 place, or part of the highway, except that the maximum rural and freeway  
15 limits shall not be exceeded. Such a maximum speed limit may be set to be  
16 effective at all times or at such times as are indicated upon such signs.

17 (2) The speed limits set by the department shall not be a  
18 departmental rule, regulation, or order subject to the statutory  
19 procedures for such rules, regulations, or orders but shall be an  
20 authorization over the signature of the Director-State Engineer and shall  
21 be maintained on permanent file at the headquarters of the department.  
22 Certified copies of such authorizations shall be available from the  
23 department at a reasonable cost for duplication. Any change to such an  
24 authorization shall be made by a new authorization which cancels the  
25 previous authorization and establishes the new limit, but the new limit  
26 shall not become effective until signs showing the new limit are erected  
1 as provided in subsection (1) of this section.

2 (3) On county highways which are not part of the state highway  
3 system or within the limits of any state institution or any area under  
4 control of the Game and Parks Commission or a natural resources district  
5 and which are outside of the corporate limits of cities and villages,  
6 county boards shall have the same power and duty to alter the maximum  
7 speed limits as the department if the change is based on an engineering  
8 and traffic investigation comparable to that made by the department. The  
9 limit outside of a business or residential district shall not be  
10 decreased to less than thirty-five miles per hour.

11 (4) On all highways within their corporate limits, except on state-  
12 maintained freeways which are part of the state highway system,  
13 incorporated cities and villages shall have the same power and duty to  
14 alter the maximum speed limits as the department ~~if the change is based~~  
15 ~~on engineering and traffic investigation~~, except that no imposition of  
16 speed limits on highways which are part of the state highway system in  
17 cities and villages under eight hundred forty thousand inhabitants as  
18 determined by the most recent federal decennial census or the most recent  
19 revised certified count by the United States Bureau of the Census shall  
20 be effective without the approval of the department.

21 (5) The director of any state institution, the Game and Parks  
22 Commission, or a natural resources district, with regard to highways  
23 which are not a part of the state highway system, which are within the  
24 limits of such institution or area under Game and Parks Commission or  
25 natural resources district control, and which are outside the limits of

26 any incorporated city or village, shall have the same power and duty to  
27 alter the maximum speed limits as the department if the change is based  
28 on an engineering and traffic investigation comparable to that made by  
29 the department.

30 (6) Not more than six such speed limits shall be set per mile along  
31 a highway, except in the case of reduced limits at intersections. The  
1 difference between adjacent speed limits along a highway shall not be  
2 reduced by more than twenty miles per hour, and there shall be no limit  
3 on the difference between adjacent speed limits for increasing speed  
4 limits along a highway.

5 (7) When the department or a local authority determines by an  
6 investigation that certain vehicles in addition to those specified in  
7 sections 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at  
8 the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305,  
9 and 60-6,313 or set pursuant to this section or section 60-6,188 or  
10 60-6,189, the department or local authority may restrict the speed limit  
11 for such vehicles on highways under its respective jurisdiction and post  
12 proper and adequate signs.

13 2. Renumber the remaining section and correct the repealer  
14 accordingly.

Senator Stinner filed the following amendment to LB4A:  
AM1863

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 2. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.
- 4 2. On page 1, line 3, after "2019" insert "; and to declare an  
5 emergency".

Senator B. Hansen filed the following amendment to LB511:  
AM1843

(Amendments to E and R amendments, ER56)

- 1 1. Strike sections 2 to 149.

### GENERAL FILE

**LEGISLATIVE BILL 592.** Senator Wayne withdrew his motion, MO37,  
found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1359, found on page 1333, was offered.

Senator Slama offered her amendment, AM1587, found on page 1526, to the  
committee amendment.

The Slama amendment lost with 11 ayes, 21 nays, 12 present and not voting,  
and 5 excused and not voting.

The committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 300.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 300A.** ER110, found on page 1467, was offered.

ER110 was adopted.

Advanced to Enrollment and Review for Engrossment.

#### MOTION(S) - Print in Journal

Senator Groene filed the following motion to LB147:

MO93

Place on General File pursuant to Rule 3, Section 20(b).

#### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 686A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 686, One Hundred Sixth Legislature, First Session, 2019.

#### AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to LB470:

AM1849

(Amendments to AM1461)

- 1 1. On page 16, line 21, strike the new matter and reinstate the
- 2 stricken matter.
- 3 2. On page 17, strike lines 4 through 11 and insert the following
- 4 new subdivision:
- 5 "(c) For taxable years beginning or deemed to begin on or after
- 6 January 1, 2020, under the Internal Revenue Code of 1986, as amended,
- 7 federal adjusted gross income shall be reduced, to the extent included in
- 8 the adjusted gross income of an individual, by the amount of any
- 9 contribution made by the individual's employer into an account under the

10 Nebraska educational savings plan trust owned by the individual, not to  
11 exceed five thousand dollars per married filing separate return or ten  
12 thousand dollars for any other return. The costs incurred by the  
13 Department of Revenue to implement this subdivision shall be paid from  
14 the College Savings Plan Expense Fund."

Senator Groene filed the following amendment to LB147:

AM1750

1 1. Strike the original sections and insert the following new  
2 sections:

3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-254 Sections 79-254 to 79-294 and sections 4 and 5 of this act  
6 shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. Section 79-258, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 79-258 Administrative and teaching personnel may take actions  
10 regarding student behavior, other than those specifically provided in the  
11 Student Discipline Act, which are reasonably necessary to aid the  
12 student, further school purposes, or prevent interference with the  
13 educational process. Such actions may include, but need not be limited  
14 to, physical contact, counseling of students, parent conferences,  
15 rearrangement of schedules, requirements that a student remain in school  
16 after regular hours to do additional work, restriction of extracurricular  
17 activity, or requirements that a student receive counseling,  
18 psychological evaluation, or psychiatric evaluation upon the written  
19 consent of a parent or guardian to such counseling or evaluation.

20 Sec. 3. Section 79-259, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 79-259 If a student is removed, suspended, expelled, or excluded  
23 from school or from any educational function pursuant to the Student  
24 Discipline Act, such absence from school shall not be deemed a violation  
25 on the part of any person under any compulsory school attendance  
26 statutes. Any suspension or expulsion under the act shall comply with the  
27 requirements of the Special Education Act and the requirements of the  
1 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 ~~1401~~  
2 et seq.

3 Sec. 4. (1) Administrative, teaching, and other school personnel  
4 may use reasonable physical contact to protect a student, school  
5 personnel, or another person from imminent physical injury.

6 (2) Reasonable physical contact shall only be used for as long as  
7 necessary to protect the student, school personnel, or other person from  
8 imminent physical injury. Reasonable physical contact does not include  
9 physical contact that:

10 (a) Is intended to cause pain;

11 (b) Places a student in a prone restraint, which means restraint in  
12 which a student is placed on the ground in a face-down position; or

13 (c) Involves any mechanical restraint.

14 (3) Each school district shall adopt a policy regarding the use of

15 physical contact pursuant to this section, including training  
16 requirements relating to the use of reasonable physical contact.  
17 (4) Within twenty-four hours following the use of any physical  
18 contact pursuant to this section, school personnel shall contact the  
19 parent or guardian of the student and notify the parent or guardian of  
20 the use of such physical contact.  
21 (5)(a) No administrative, teaching, or other school personnel shall  
22 be subject to professional or administrative discipline or be held liable  
23 for harm caused by an act or omission of any administrative, teaching, or  
24 other school personnel relating to the use of reasonable physical contact  
25 pursuant to this section unless the harm was caused by (i) gross  
26 negligence, (ii) a conscious, flagrant indifference to the rights or  
27 safety of the individual who was harmed, or (iii) willful, criminal, or  
28 reckless misconduct, including misconduct (A) that constitutes a crime of  
29 violence, as defined by 18 U.S.C. 16, as such section existed on January  
30 1, 2019, (B) that involves a sexual offense listed in subdivision (1)(a)  
31 (i) of section 29-4003, (C) for which the defendant has been found to  
1 have violated a federal or state civil rights law, or (D) that occurred  
2 while the defendant was under the influence of alcoholic liquor or drugs.  
3 (b) Nothing in this section shall be construed to limit any defense  
4 that may be available under any other provision of law, including, but  
5 not limited to, any defense relating to self-protection or the protection  
6 of others.  
7 Sec. 5. (1) An administrator or administrator's designee shall  
8 immediately remove a student from a class upon request by a teacher or  
9 other school personnel if such teacher or other school personnel has (a)  
10 followed school policy in requesting the removal of such student and (b)  
11 such student's behavior is so unruly, disruptive, or abusive that it  
12 seriously interferes with the learning environment and the opportunity  
13 for other students in the class to learn.  
14 (2) Removal shall mean the exclusion of a student from a class for a  
15 period not to extend beyond the end of the school day during which such  
16 exclusion occurred, unless such student is otherwise suspended, expelled,  
17 or excluded from school or any educational function pursuant to the  
18 Student Discipline Act.  
19 (3) Any removal pursuant to this section shall comply with the  
20 requirements of the federal Individuals with Disabilities Education Act,  
21 20 U.S.C. 1400 et seq., any applicable Individualized Education Plan  
22 established pursuant to the Individuals with Disabilities Education Act,  
23 and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
24 acts existed on January 1, 2019, and any other applicable state or  
25 federal law.  
26 (4) When a student is removed from a class, the goal shall be to  
27 return the student to the class as soon as possible after appropriate  
28 instructional or behavioral interventions or supports have been  
29 implemented to increase the likelihood the student will be successful.  
30 For students with patterns of disruptive behavior, schools shall provide  
31 additional interventions or supports. After a student has been removed  
1 for a cumulative amount of time equivalent to five school days in a

2 school year, the due process protections for long-term suspensions shall  
3 apply.  
4 (5) Each school district shall adopt a policy that describes the  
5 process for removing a student from a class and for returning a student  
6 to a class. Such policy shall: (a) Describe how and when a student may be  
7 removed from a class and returned to a class; (b) use a discipline  
8 process that is proactive, instructive, and restorative; (c) require  
9 appropriate communication between administrators, teachers, students, and  
10 parents or guardians, including notification of a parent or guardian  
11 following the removal of a student from a class; and (d) allow a teacher  
12 to have, upon request, a conference with the principal and a parent or  
13 guardian of a student who was removed from class at the request of such  
14 teacher. Such policy shall be made available to the public.  
15 (6) Administrative, teaching, and other school personnel shall not  
16 be subject to professional or administrative discipline for having a  
17 student removed from a class pursuant to this section if such  
18 administrative, teaching, or other school personnel acted in accordance  
19 with the policy adopted pursuant to subsection (5) of this section.  
20 Sec. 6. This act becomes operative on January 1, 2020.  
21 Sec. 7. Original sections 79-254, 79-258, and 79-259, Reissue  
22 Revised Statutes of Nebraska, are repealed.

### SELECT FILE

**LEGISLATIVE BILL 294.** Senator Clements withdrew his amendment, FA73, found on page 1557.

Senator Stinner renewed the Bolz amendment, AM1746, found on page 1513 and considered on page 1555.

Senator Clements offered the following amendment to the Bolz amendment:  
FA79  
Amend AM1746  
Strike Section 6.

### SPEAKER SCHEER PRESIDING

Pending.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 470A.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 140.** Introduced by Kolowski, 31.

**PURPOSE:** The purpose of this interim study is to examine the roles and guidelines of homeowner's associations and tools used to carry out their purpose.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Existing and potential policies of homeowner's associations;
- (2) Structures of governance and bylaws of existing homeowner's associations;
- (3) Incorporation or prohibition of renewable energy systems within homeowner's association policies;
- (4) The interactions of homeowner's associations with municipalities and sanitary improvement districts; and
- (5) Other issues facing homeowner's associations and homeowners who live within the jurisdiction of a homeowner's association.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**RECESS**

At 4:47 p.m., on a motion by Senator Erdman, the Legislature recessed until 5:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 5:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Lathrop, Lindstrom, McDonnell, and Pansing Brooks who were excused until they arrive.

**SENATOR WILLIAMS PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 294.** The Clements amendment, FA79, found in this day's Journal, to the Bolz amendment, AM1746, was renewed.

**PRESIDENT FOLEY PRESIDING****SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Stinner offered the following motion:

MO95

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 2:

Bostelman Erdman

Not voting, 0.

The Stinner motion to invoke cloture prevailed with 47 ayes, 2 nays, and 0 not voting.

Senator Clements requested a roll call vote on his amendment, FA79.

Voting in the affirmative, 21:

Albrecht	Briese	Groene	La Grone	Slama
Arch	Clements	Halloran	Linehan	
Bostelman	Erdman	Hansen, B.	Lowe	
Brandt	Friesen	Hilgers	Moser	
Brewer	Geist	Hughes	Murman	

Voting in the negative, 28:

Blood	Dorn	Kolowski	Morfeld	Walz
Bolz	Gragert	Kolterman	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	Lathrop	Quick	Williams
Chambers	Hilkemann	Lindstrom	Scheer	Wishart
Crawford	Howard	McCollister	Stinner	
DeBoer	Hunt	McDonnell	Vargas	

Not voting, 0.

The Clements amendment lost with 21 ayes, 28 nays, and 0 not voting.

The Bolz amendment, AM1746, was adopted with 40 ayes, 7 nays, and 2 present and not voting.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 7 nays, and 2 present and not voting.

The Chair declared the call raised.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 311A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 607A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 205A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 205, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 733A.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 733, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 323A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, One Hundred Sixth Legislature, First Session, 2019.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 300.** Placed on Final Reading.

**LEGISLATIVE BILL 300A.** Placed on Final Reading.

**LEGISLATIVE BILL 675.** Placed on Final Reading.

ST26

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER108:
  - a. On page 28, line 18, "demonstrating" has been struck and shown as stricken and "demonstrates" inserted.
  - b. On page 50, line 25, "and" has been struck;
  - c. On page 50, line 26; and page 51, line 13, "79-1022," has been struck;
  - d. On page 50, line 27; and page 51, line 13, ", and section 79-1022, Revised Statutes Cumulative Supplement, 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth Legislature, First Session, 2019" has been inserted after "2018"; and
  - e. On page 51, line 11, the last "and" has been struck.

(Signed) Julie Slama, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 110.** Title read. Considered.

Committee AM1680, found on page 1462, was offered.

Senator Crawford offered the following amendment to the committee amendment:

AM1865

(Amendments to Standing Committee amendments, AM1680)

- 1 1. On page 2, lines 9 and 10, strike "an edible cannabis product.";
- 2 and in line 11 after the period insert "Cannabis product does not include
- 3 an edible cannabis product.".

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 294.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 141.** Introduced by Williams, 36; Hilgers, 21; Howard, 9; Kolterman, 24; Lindstrom, 18; McCollister, 20; Quick, 35.

**PURPOSE:** The purpose of this interim study is to examine ways to enhance financial literacy programs, training, and general competencies and problem-solving skills in Nebraska, with the objective of increasing long-term financial stability for all Nebraskans. Financial decisions improved by financial literacy include those related to insurance products and analysis, and banking products and decisions. The issues addressed by this interim study shall include, but not be limited to:

- (1) Financial challenges affecting consumers of all ages that arise from a lack of basic knowledge of financial decisionmaking;
- (2) Best practices and relevant academic research regarding enhanced financial literacy training; and
- (3) Existing financial literacy programs and awareness campaigns available to Nebraskans of all ages.

The study committee shall seek the input of the Department of Banking and Finance and the Department of Insurance.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Erdman filed the following amendment to LB294:  
AM1866

(Amendments to Standing Committee amendments, AM1329)

- 1 1. On page 80, strike lines 12 and 13 and insert "GENERAL FUND
- 2 589,706,928 609,042,931 PROGRAM TOTAL 589,706,928 609,042,931".

**GENERAL FILE**

**LEGISLATIVE BILL 110.** Senator Morfeld offered the following motion:  
MO96

Recommit to the Judiciary Committee.

Senator Morfeld withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO97

Bracket until June 6, 2019.

Senator Chambers withdrew his motion to bracket.

The Crawford amendment, AM1865, found in this day's Journal, to the committee amendment, was renewed.

Pending.

**VISITOR(S)**

Visitors to the Chamber were students from Anselmo-Merna Elementary School; Senator Walz's husband and daughter, Chris and Emma Walz, from Fremont; and Senator Wishart's mom, Sarah Disbrow, from Lincoln, and Denise Manton, Margaret Odgers, and Sydney Lynch from Lincoln.

The Doctor of the Day was Dr. Pat Hotovy from York.

**ADJOURNMENT**

At 9:39 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, May 16, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-EIGHTH DAY - MAY 16, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 16, 2019

**PRAYER**

The prayer was offered by Pastor Matt Quanbeck, United Lutheran Church, Laurel.

**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 Dorn, Groene, B. Hansen, Pansing Brooks, Quick, Stinner, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

May 15, 2019

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed and reappointed to the Nebraska Commission on Industrial Relations:

Gregory M. Neuhaus, J.D., 1700 S. Harrison Street, Grand Island, NE  
68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
LR118      Government, Military and Veterans Affairs

Neuhaus, Gregory M. - Commission of Industrial Relations - Business and Labor

(Signed) Mike Hilgers, Chairperson  
Executive Board

### COMMUNICATION(S)

Date:            January 25, 2019

To:              Governor Ricketts

Through:      Department of Administrative Services  
State Building Division, 309 Task Force  
State Budget Division, Director's Office

From:           Nebraska Association of Former Legislators

Description: Acceptance of a gift of labor and materials toward the restoration of the gardens of the Capitol Courtyards

Statutory authority use of gifts for the acquisition of a structure valued greater than \$10,000 is contained in Section 81-176, Section 81-1108.33(2)(a) and Section 81-1108.33(2)(b)(i), Revised Statutes of Nebraska.

May 15, 2019

Senator Mike Hilgers  
Chairperson, Executive Board  
Room 2000  
State Capitol  
Lincoln, NE 68509

Dear Senator Hilgers,

Enclosed is correspondence from the Department of Administrative Services. The correspondence relates to a request for approval of a gift of

labor and materials donated per §81-176, §81-1108.33(2)(a), and §81-1108.33(2)(b)(i), Revised Statutes of Nebraska, from the Nebraska Association of Former Legislators.

Restoration of the gardens of the Capitol Courtyards

I am forwarding this correspondence to you for Executive Board action.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:ck  
enclosure

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the request to approve a gift of labor and materials from the Nebraska Association of Former Legislators toward the restoration of the gardens of the Capitol Courtyards.

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Appropriations

Room 1003

Thursday, May 23, 2019 12:00 p.m.

Request for approval of gift of labor and materials from the Nebraska Association of Former Legislators

(Signed) John Stinner, Chairperson

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 15, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Baird Holm LLP  
MTM Inc.  
Hilton, Mary  
Smart Approaches to Marijuana Nebraska

#### GENERAL FILE

**LEGISLATIVE BILL 323A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 470A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 686A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 427.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447.** ER117, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 315.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 281.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 454.** ER115, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 260.** ER116, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 726.** ER114, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 476.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 505.** ER113, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 374.** ER118, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 248.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 571.** ER120, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 571A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 561.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 525.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 609.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 719.** Senator Erdman withdrew his amendment, AM1820, found on page 1573.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 719A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 62.** Advanced to Enrollment and Review for

Engrossment.

**LEGISLATIVE BILL 559.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 220.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 135.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 244.** ER121, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 308.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 392.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 564.** ER122, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 123.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 414.** ER119, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 533.** ER123, found on page 1520, was adopted.

Senator Lowe requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 630.** Title read. Considered.

Committee AM1635, found on page 1462, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 519.** Title read. Considered.

Committee AM1460, found on page 1339, was offered.

Senator Lathrop offered his amendment, AM1602, found on page 1420, to the committee amendment.

Senator Slama moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

The Lathrop amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wishart offered her amendment, AM1591, found on page 1450, to the committee amendment.

The Wishart amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, FA69, found on page 1526, to the committee amendment.

The Chambers amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 462.** Senator Wayne withdrew his motion, MO34, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1568, found on page 1367, was offered.

Senator Friesen withdrew his amendment, AM1670, found on page 1440.

Senator Friesen offered his amendment, AM1736, found on page 1455, to the committee amendment.

The Friesen amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Hilgers offered the following amendment to the committee amendment:

AM1837

(Amendments to Standing Committee amendments, AM1568)

- 1 1. On page 8, line 31, after "after" insert "(a)".
- 2 2. On page 9, line 1, after "commission" insert "or (b) for all rate
- 3 increases, at least sixty days' notice to the commission and all impacted
- 4 subscribers".

The Hilgers amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 680.** Title read. Considered.

Committee AM1537, found on page 1463, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

#### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 153.** Placed on General File.

**LEGISLATIVE BILL 288.** Placed on General File with amendment. AM1594 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 686.** Placed on Select File with amendment.

ER125

- 1 1. In the Standing Committee amendments, AM1737, on page 8, line 19,
- 2 after "offense" insert an underscored comma.
- 3 2. On page 1, strike beginning with "the" in line 1 through line 7
- 4 and insert "criminal justice; to amend sections 29-2202 and 29-2268,
- 5 Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105,
- 6 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative
- 7 Supplement, 2018; to change provisions relating to post-release
- 8 supervision; to prohibit the introduction and possession of electronic

9 communication devices in correctional facilities as prescribed; to  
 10 provide a penalty; to change provisions relating to competency to stand  
 11 trial; to provide for deferred judgments by courts as prescribed; to  
 12 prohibit placement of members of vulnerable populations in restrictive  
 13 housing as prescribed; to change provisions relating to the long-term  
 14 restrictive housing work group; to harmonize provisions; to provide a  
 15 duty for the Revisor of Statutes; and to repeal the original sections."

**LEGISLATIVE BILL 592.** Placed on Select File with amendment.

ER124

1 1. On page 1, strike beginning with "Commission" in line 1 through  
 2 line 4 and insert "Act; to amend sections 53-103.13 and 53-123.13,  
 3 Reissue Revised Statutes of Nebraska, and section 53-123.11, Revised  
 4 Statutes Cumulative Supplement, 2018; to redefine a term; to change  
 5 provisions relating to farm wineries; and to repeal the original  
 6 sections."

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Business and Labor

Room 1510

Thursday, May 23, 2019 12:15 p.m.

Gregory M. Neuhaus - Commission of Industrial Relations

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 142.** Introduced by Hughes, 44; Albrecht, 17; Bostelman, 23; Erdman, 47; Geist, 25; Gragert, 40; Halloran, 33; Quick, 35.

PURPOSE: The purpose of this interim study is to examine any matter concerning the Game and Parks Commission under the jurisdiction of the Natural Resources Committee of the Legislature. Subjects of the study may include, but are not limited to:

- (1) Commission districts and representation;
- (2) Management of wildlife populations;
- (3) Frequency, content, and location of meetings and hearings; and
- (4) Management of park facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 143.** Introduced by Albrecht, 17.

**PURPOSE:** The purpose of this interim study is to examine the laws for accounting and financial reporting in political subdivisions to determine a more uniform method of reporting. The study shall also obtain information on financial reporting being used by cities, villages, counties, and school districts across the state and those that have changed from the cash basis to an accrual or modified accrual method. The study shall determine the process, the cost, and any savings, including any impact on debt or bond ratings, resulting from changing from the cash basis to an accrual method.

Each local government has statutes regarding accounting and financial reporting spread across many of the chapters in the Nebraska Revised Statutes. This study shall identify all of the reporting statutes and explore the possibility of consolidating them within the statutes for easier access and understanding.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The accounting and financial reporting statutes for each city, village, county, and school district and possible consolidation of such statutes;
- (2) Accounting methods for cities, villages, counties, and school districts;
- (3) Bond ratings of cities, villages, counties, and school districts;
- (4) The cost to and actions taken by such local governments that have changed from the cash basis to an accrual method; and
- (5) A cost-benefit analysis of the impact the financial reporting and accounting standards have on the debt held by cities, villages, counties, and school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 144.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations.

The issues addressed by this interim study shall include, but not be limited to:

(1) The current statutes relating to cash bonds for all crimes, but particularly minor misdemeanors and violations of city and village ordinances;

(2) The number of individuals held in local jails on cash bonds for misdemeanors and ordinance violations;

(3) The costs to counties to detain and house pretrial detainees for misdemeanors and ordinance violations;

(4) The feasibility of alternatives to cash bonds for misdemeanors and ordinance violations and the consequences or risks to public safety of eliminating cash bonds;

(5) Changes that would permit indigent pretrial detainees to avoid unnecessary and costly county jail stays;

(6) Pretrial release programs and practices utilized by counties in Nebraska; and

(7) Statutory changes needed to reform bail for misdemeanors and ordinance violations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 145.** Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine the financing of energy efficiency and renewable energy improvements on single-family residential property under the Property Assessed Clean Energy (PACE) Act. The interim study shall include, but not be limited to:

(1) A review of PACE statutes in other states that authorize the financing of energy efficiency and renewable energy improvements on residential property;

(2) A review of active residential PACE programs in other states and recent legislative or regulatory changes to such programs; and

(3) An examination of potential regulations from the federal Consumer Financial Protection Bureau regarding residential PACE programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 146.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of introducing a "Prosecutor Transparency Act" in Nebraska and to examine the feasibility of developing a comprehensive data collection and reporting process for city and county prosecutors.

Prosecutors hold a unique and powerful role in the criminal justice system. County and city attorneys are public officials empowered with the responsibility to prosecute violations of law in the name of the public. Although they prosecute cases on behalf of the state, there is relatively little publicly available information about prosecutors' policies and practices with respect to how they carry out their duties. In most cities and counties, appointed and elected prosecutors report very little public data about the operations of their offices or how they utilize their very broad grant of discretion.

Charging decisions and discretionary policies and practices that prosecutors establish and follow have an impact on various matters of public policy, including incarceration levels in local jails and state prisons and the racial disparities that exist in the criminal justice system. Nebraska has a local jail and state prison overcrowding and conditions crisis. Prosecutor transparency is essential to understanding and addressing mass incarceration and racial disparities present at each and every stage in the criminal justice system.

While a growing number of prosecutors' offices across the country have started to make some information public, these efforts are piecemeal and subject to change depending on who is in office. That is why there is an emerging trend in various jurisdictions to ensure comprehensive transparency from all prosecutors. For example, recent laws passed in Florida, Colorado, and Arizona require transparency and data reporting from law enforcement agencies and other actors and provide a sound roadmap for similar requirements from prosecutors. These and other jurisdictions have considered legislation that sets minimum transparency standards for elected prosecutors, ensuring that they collect and make public data and policies available to the communities that they serve. Such "Prosecutor Transparency Acts" can create a framework by which state legislators can hold their prosecutors accountable.

The issues addressed by this interim study shall include, but not be limited to:

(1) Identifying and defining the data points for prosecutors to collect and report, including information about demographics and charging decisions, while protecting individual privacy concerns, logistical challenges, and fiscal impacts;

(2) Identifying a central state agency responsible for making the data publicly available and issuing annual analyses and reports;

(3) Identifying written policies or policy guidance documents about bail and sentencing practices, plea-bargain guidelines, discovery practices, prosecution of youth as adults, mental health screenings, diversion, and parole and probation revocations;

(4) Identifying basic reporting on staff training and discipline in prosecutors' offices;

(5) Whether or not to establish community advisory boards for city and county prosecutors that include representatives of impacted communities, corrections officials, local elected officials, criminal defense attorneys, mental health professionals, or property tax advocates; and

(6) Consideration of prosecutorial transparency and accountability reforms in other municipalities and states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 147.** Introduced by Hansen, B., 16.

WHEREAS, the Bancroft-Rosalie/Lyons-Decatur Northeast (BRLD) boys' basketball team won the 2019 Class C-2 Boys State Basketball Championship; and

WHEREAS, the BRLD Wolverines defeated Howells-Dodge in the first round of the state tournament with a score of 70-51, defeated Centennial in the second game with a score of 54-25, and defeated Yutan in the State Championship game with a score of 53-42, finishing the season with an impressive 27-1 record; and

WHEREAS, HuskerlandPreps.com named head coach Cory Meyer as the Class C-2 Coach of the Year and sophomore Lucas Vogt as the Class C-2 Player of the Year; and

WHEREAS, the win marked the first state basketball championship title for the BRLD co-op program, which is in its third year; and

WHEREAS, the BRLD boys' basketball team showed sportsmanship and worked together to accomplish this great achievement; and

WHEREAS, the Legislature recognizes the academic, artistic, and athletic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bancroft-Rosalie/Lyons-Decatur Northeast boys' basketball team and Coach Cory Meyer on winning the 2019 Class C-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie/Lyons-Decatur Northeast boys' basketball team and Coach Cory Meyer.

Laid over.

**LEGISLATIVE RESOLUTION 148.** Introduced by La Grone, 49; Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine issues related to unfunded mandates to county governments for the administration of judicial proceedings. The issues addressed by this interim study shall include, but not be limited to:

(1) The costs incurred by counties in the operation of county courts, including supplies, court costs, attorney's fees, computers, and equipment;

(2) The costs incurred by counties in the operation of juvenile courts, including:

(a) Bailiffs, file clerks, and part-time receptionists;

(b) Appointment of counsel;

(c) Evaluations; and

(d) Supplies;

(3) The costs incurred by counties in the operation of district courts, including:

(a) Law clerks and bailiffs, including employee benefits such as health and dental insurance;

(b) Appointment of counsel;

(c) Law library costs; and

(d) Computers, equipment, furniture, and supplies;

(4) The costs incurred by counties in the process of providing courtroom facilities for county, juvenile, and district courts, including utilities and custodial services; and

(5) The costs incurred by counties in the process of providing courtroom security for county, juvenile, and district courts, including sworn deputies, civilian security officers, and security equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 149.** Introduced by Wayne, 13; La Grone, 49.

PURPOSE: The purpose of this interim study is to examine the burden of unfunded mandates on county budgets. The interim study shall include an examination of the legislative history of each unfunded mandate, the cost of each mandate to each county, and the funding source used by the counties to pay for these unfunded mandates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Linehan filed the following amendment to LB289:  
AM1754

(Amendments to Standing Committee amendments, AM1572)

1 1. On page 59, line 18, after "the" insert "average"; in line 20  
2 strike "and" and insert "for the twelve months ending on September 30 of  
3 each year"; and strike line 21.

Senator Briese filed the following amendment to LB183:  
AM1846 is available in the Bill Room.

Senator Bolz filed the following amendment to LB109:  
AM1854

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-1307, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 81-1307 (1) The Director of Personnel shall be responsible for the  
6 administration of the personnel division. Subject to the review powers of  
7 the State Personnel Board, the director shall be responsible for  
8 development of recommendations on personnel policy and for  
9 development of  
9 specific administrative systems and shall have the authority to adopt,

10 promulgate, and enforce rules and regulations pertaining thereto. The  
 11 director shall be responsible for specific administrative systems  
 12 including, but not limited to, the following:

13 (a) ~~(1)~~ Employment Services:

14 (i) ~~(a)~~ General employment policies and procedures;

15 (ii) ~~(b)~~ Position classification plans;

16 (iii) ~~(c)~~ Job descriptions;

17 (iv) ~~(d)~~ Job specifications;

18 (v) ~~(e)~~ Salary or pay plans;

19 (vi) ~~(f)~~ Staffing patterns; and

20 (vii) ~~(g)~~ Recruiting of qualified applicants for employment and the  
 21 maintenance of qualified applicants for employment for all positions in  
 22 state government;

23 (b) ~~(2)~~ Personnel Records:

24 (i) ~~(a)~~ A system of records and statistical reports containing  
 25 general data on all employees, including current salary levels and such  
 26 other information as may be required by the operating needs of state  
 27 departments and agencies and the budget division; and

1 (ii) ~~(b)~~ Standards for the development and maintenance of personnel  
 2 records to be maintained within operating departments of the state  
 3 government;

4 (c) ~~(3)~~ Personnel Management:

5 (i) ~~(a)~~ Minimum standards for evaluation of employee efficiency and  
 6 a system of regular evaluation of employee performance;

7 (ii) ~~(b)~~ Administrative guidelines governing such matters as hours  
 8 of work, promotions, transfers, demotions, probation, terminations,  
 9 reductions in force, salary actions, and other such matters as may not be  
 10 otherwise provided for by law;

11 (iii) ~~(c)~~ Administrative policies and general procedural  
 12 instructions for use by all state agencies relating to such matters as  
 13 employee benefits, vacation, sick leave, holidays, insurance, sickness  
 14 and accident benefits, and other employee benefits as the Legislature may  
 15 from time to time prescribe; and

16 (iv) ~~(d)~~ A system of formally defined relationships between the  
 17 personnel division and departments and agencies to be covered by the  
 18 State Personnel System;

19 (d) ~~(4)~~ Salary and Wage Survey: Measuring, through the use of  
 20 surveys, the state's comparative level of employee compensation with the  
 21 labor market;

22 (e) ~~(5)~~ Staffing Patterns:

23 (i) ~~(a)~~ Staffing patterns for each department and agency of state  
 24 government that conform with those authorized by the budget division;

25 (ii) ~~(b)~~ Revisions to staffing patterns of all departments and  
 26 agencies that have been approved by the budget division;

27 (iii) ~~(c)~~ Merit increases provided for any employee of the state  
 28 that are the result of positive action by the appropriate supervisor; and

29 (iv) ~~(d)~~ The state's pay plan, as enacted by the Legislature,  
 30 together with such amendments as may occur, is explained in appropriate  
 31 handbooks for employees of the state;

1 (f) ~~(6)~~ Temporary Employees:

2 (i) ~~(a)~~ The director shall administer the Temporary Employee Pool

3 containing applicants from which state agencies can draw when in need of  
4 a short-term labor supply; and

5 (ii) (b) State agencies must receive approval from the director  
6 before hiring any temporary employee; and

7 (g) (7) Employee Recognition Program: The director shall administer  
8 an employee recognition program for state employees. The program shall  
9 serve as the authorized program for honoring state employees for  
10 dedicated and quality service to the government of the State of Nebraska.

11 (2) For fiscal year 2021-22 and each fiscal year thereafter, the  
12 position classification plan and the salary or pay plan shall include the  
13 following positions within the Department of Correctional Services:

14 (a) Corrections corporal I, corrections corporal II, corrections  
15 corporal III, corrections corporal IV, and corrections corporal V. Each  
16 position listed in this subdivision shall be assigned to a different pay  
17 grade within the salary or pay plan. For purposes of this subdivision:

18 (i) Corrections corporal I means a corrections corporal with less  
19 than three years of satisfactory service;

20 (ii) Corrections corporal II means a corrections corporal with at  
21 least three years but less than five years of satisfactory service;

22 (iii) Corrections corporal III means a corrections corporal with at  
23 least five years but less than seven years of satisfactory service;

24 (iv) Corrections corporal IV means a corrections corporal with at  
25 least seven years but less than ten years of satisfactory service; and

26 (v) Corrections corporal V means a corrections corporal with at  
27 least ten years of satisfactory service;

28 (b) Corrections sergeant I, corrections sergeant II, corrections  
29 sergeant III, corrections sergeant IV, and corrections sergeant V. Each  
30 position listed in this subdivision shall be assigned to a different pay  
31 grade within the salary or pay plan. For purposes of this subdivision:

1 (i) Corrections sergeant I means a corrections sergeant with less  
2 than three years of satisfactory service;

3 (ii) Corrections sergeant II means a corrections sergeant with at  
4 least three years but less than five years of satisfactory service;

5 (iii) Corrections sergeant III means a corrections sergeant with at  
6 least five years but less than seven years of satisfactory service;

7 (iv) Corrections sergeant IV means a corrections sergeant with at  
8 least seven years but less than ten years of satisfactory service; and

9 (v) Corrections sergeant V means a corrections sergeant with at  
10 least ten years of satisfactory service; and

11 (c) Corrections unit caseworker I, corrections unit caseworker II,  
12 corrections unit caseworker III, corrections unit caseworker IV, and  
13 corrections unit caseworker V. Each position listed in this subdivision  
14 shall be assigned to a different pay grade within the salary or pay plan.  
15 For purposes of this subdivision:

16 (i) Corrections unit caseworker I means a corrections unit  
17 caseworker with less than three years of satisfactory service;

18 (ii) Corrections unit caseworker II means a corrections unit  
19 caseworker with at least three years but less than five years of  
20 satisfactory service;

21 (iii) Corrections unit caseworker III means a corrections unit  
22 caseworker with at least five years but less than seven years of

23 satisfactory service;

24 (iv) Corrections unit caseworker IV means a corrections unit  
 25 caseworker with at least seven years but less than ten years of

26 satisfactory service; and

27 (v) Corrections unit caseworker V means a corrections unit

28 caseworker with at least ten years of satisfactory service.

29 Sec. 2. Section 84-1601, Reissue Revised Statutes of Nebraska, is  
 30 amended to read:

31 84-1601 (1) There is hereby established a program of group life and  
 1 health insurance for all permanent employees of this state who work one-  
 2 half or more of the regularly scheduled hours during each pay period,  
 3 excluding employees of the University of Nebraska, the state colleges,  
 4 and the community colleges. Such program shall be known as the Nebraska  
 5 State Insurance Program and shall replace any current program of such  
 6 insurance in effect in any agency and funded in whole or in part by state  
 7 contributions.

8 (2) Temporary employees of the state who have a work assignment of  
 9 at least six months' duration and who work at least twenty hours per week  
 10 may purchase health insurance through the Nebraska State Insurance  
 11 Program. The state shall pay the same proportion of the insurance premium  
 12 for temporary employees as is established through the collective  
 13 bargaining process for permanent employees. For purposes of this  
 14 subsection, temporary employees means individuals (a) employed in the  
 15 Temporary Employee Pool as described in subdivision (1)(f) ~~(6)~~ of section  
 16 81-1307 and (b) hired directly by state agencies. In no event shall a  
 17 temporary employee mean an individual hired through a private employment  
 18 agency.

19 (3) For purposes of sections 84-1601 to 84-1615, health insurance  
 20 may be construed to include coverage for disability and dental health  
 21 care services.

22 (4) Any commissioned employee of the Nebraska State Patrol who on or  
 23 after July 17, 1986, has reached fifty-one years of age or becomes  
 24 medically disabled and who will not receive benefits from the federal  
 25 social security program shall be afforded the opportunity to remain  
 26 enrolled in the state employees group health insurance program until age  
 27 sixty-five. Employees electing this option shall be responsible for the  
 28 entire premium cost, including the state's share, the employee's share,  
 29 and an administrative fee consistent with that allowed by federal  
 30 guidelines for continuation of health insurance.

31 Sec. 3. Original sections 81-1307 and 84-1601, Reissue Revised  
 1 Statutes of Nebraska, are repealed.

Senator Wayne filed the following amendment to LB657:  
 AM1860

(Amendments to Final Reading copy)

1 1. On page 2, line 17, strike "and" and insert the following new  
 2 subdivision:

3 "(6) Facilitate interstate commerce by not impeding the shipment of  
 4 hemp into and out of this state; and"; and in line 18 strike "(6)" and  
 5 insert "(7)".

6 2. On page 5, line 16, after "cultivators" insert "and processor-

7 handlers" and after "cultivated" insert ", processed, or handled"; and in  
8 line 18 after "act" insert ". The department may, at its discretion,  
9 conduct other inspections of a cultivator's or processor-handler's  
10 operation, including all sites registered with the department".

11 3. On page 17, strike lines 9 through 19 and insert the following  
12 new subsections:

13 "(3) Any person other than a cultivator or processor-handler who is  
14 transporting hemp shall carry with such hemp being transported (a) a bill  
15 of lading indicating the owner of the hemp, the point of origin of the  
16 hemp, and the destination of the hemp and (b) either a copy of the test  
17 results pertaining to such hemp or other documentation affirming that the  
18 hemp was produced in compliance with section 10113 of the federal  
19 Agricultural Improvement Act of 2018, Public Law 115-334, as such section  
20 existed on January 1, 2019.

21 (4)(a) The department may develop a form bill of lading for use by a  
22 person other than a cultivator or processor-handler transporting hemp  
23 pursuant to subsection (3) of this section for hemp originating in this  
24 state. Such bill of lading shall, at a minimum, identify the transporting  
25 person and indicate the owner, point of origin, and destination of the  
26 hemp.

1 (b) The department, in consultation with the Nebraska State Patrol,  
2 may adopt and promulgate rules and regulations regulating the carrying or  
3 transporting of hemp in this state to ensure that marijuana or any other  
4 controlled substance is not disguised as hemp and carried or transported  
5 into, within, or through this state.

6 (c) No person shall carry or transport hemp in this state unless  
7 such hemp is:

8 (i) Produced in compliance with:

9 (A) For hemp originating in this state, the requirements of section  
10 10113 of the federal Agricultural Improvement Act of 2018, Public Law  
11 115-334, as such section existed on January 1, 2019, and the Nebraska  
12 Hemp Farming Act and any rules and regulations adopted and promulgated  
13 thereunder; or

14 (B) For hemp originating outside this state, the requirements of  
15 section 10113 of the federal Agricultural Improvement Act of 2018, Public  
16 Law 115-334, as such section existed on January 1, 2019; and

17 (ii) Carried or transported:

18 (A) By a cultivator or processor-handler as provided in subsections

19 (1) and (2) of this section; or

20 (B) By a person other than a cultivator or processor-handler as  
21 provided in subsection (3) of this section.

22 (d) No person shall transport hemp in this state concurrently with  
23 any other plant material that is not hemp.

24 (5)(a) A peace officer may detain any person carrying or  
25 transporting hemp in this state if such person does not provide the  
26 documentation required by this section. Unless the peace officer has  
27 probable cause to believe the hemp is, or is being carried or transported  
28 with, marijuana or any other controlled substance, the peace officer  
29 shall immediately release the hemp and the person carrying or

30 transporting such hemp upon production of such documentation.  
31 (b) The failure of a person detained as described in this subsection  
1 to produce documentation required by this section shall constitute  
2 probable cause to believe the hemp may be marijuana or any other  
3 controlled substance. In such case, a peace officer may collect a  
4 reasonable sample amount of such hemp for testing to determine the  
5 delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace  
6 officer has probable cause to believe the person detained is carrying or  
7 transporting marijuana or any other controlled substance in violation of  
8 state or federal law, the peace officer may seize and impound the hemp or  
9 marijuana or other controlled substance and arrest such person.  
10 (c) This subsection does not limit or restrict in any way the power  
11 of a peace officer to enforce violations of the Uniform Controlled  
12 Substances Act and federal law regulating marijuana and other controlled  
13 substances.  
14 (6) In addition to any other penalties provided by law, including  
15 those imposed under the Nebraska Hemp Farming Act, any person who  
16 intentionally violates this section shall be guilty of a Class IV  
17 misdemeanor and fined not more than one thousand dollars."

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 289A.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Sixth Legislature, First Session, 2019.

### **VISITOR(S)**

Visitors to the Chamber were Lauren McNeal of Lincoln; students from Newell Elementary School, Grand Island; students from Mead Elementary School; students and teachers from Lincoln North Star High School; winners of Senator Vargas's Capitol Arts Showcase; and students from Rumsey Station Elementary School, Papillion.

### **ADJOURNMENT**

At 12:06 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, May 21, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-NINTH DAY - MAY 21, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 21, 2019

**PRAYER**

The prayer was offered by Reverend Michael Davis, retired clergy member of the Great Plains Conference of the United Methodist Church, Gretna.

**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 Cavanaugh, Morfeld, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-eighth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 323A.** Placed on Select File.

**LEGISLATIVE BILL 470A.** Placed on Select File.

**LEGISLATIVE BILL 686A.** Placed on Select File.

**LEGISLATIVE BILL 630.** Placed on Select File with amendment.

ER126

1 1. On page 1, strike lines 2 through 11 and insert "28-311.08,  
2 28-513, 28-813.01, 28-1463.03, 28-1463.05, and 29-4003, Reissue Revised  
3 Statutes of Nebraska, and section 28-1310, Revised Statutes Cumulative  
4 Supplement, 2018; to change elements of, penalty provisions for, and  
5 defenses to offenses involving unlawful intrusion and sexually explicit  
6 conduct; to change provisions relating to theft and extortion and  
7 intimidation by telephone call or electronic communication; to change  
8 applicability of certain provisions of the Sex Offender Registration Act;  
9 to provide and change penalties; to harmonize provisions; and to repeal

10 the original sections."

**LEGISLATIVE BILL 519.** Placed on Select File with amendment.  
ER129 is available in the Bill Room.

**LEGISLATIVE BILL 462.** Placed on Select File with amendment.  
ER127

1 1. Strike the original sections and insert the following new  
2 sections:

3 Section 1. Section 76-2301, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 76-2301 Sections 76-2301 to 76-2331 and sections 4, 6, 8, 9, 10, 14,  
6 and 15 of this act shall be known and may be cited as the One-Call  
7 Notification System Act.

8 Sec. 2. Section 76-2303, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 76-2303 For purposes of the One-Call Notification System Act, the  
11 definitions found in sections 76-2303.01 to 76-2317 and sections 4 and 6  
12 of this act shall be used.

13 Sec. 3. Section 76-2305, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 76-2305 Center ~~means a call shall mean the statewide one-call~~  
16 ~~notification center which shall have as its principal purpose the~~  
17 statewide receipt and dissemination to participating operators of  
18 information on a fair and uniform basis concerning intended excavations  
19 by excavators in areas where operators have underground facilities.

20 Sec. 4. Locator means a person who identifies and marks underground  
21 facilities for an operator, including a contractor who performs such  
22 location services for an operator.

23 Sec. 5. Section 76-2315, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 76-2315 Person ~~means shall mean~~ an individual, partnership, limited  
26 liability company, association, municipality, state, county, political  
27 subdivision, utility, joint venture, or corporation and shall include the  
1 employer, employee, or contractor of an individual.

2 Sec. 6. Ticket means the compilation of data received by the center  
3 in the notice of excavation and the facility locations provided to the  
4 center and which is assigned a unique identifying number.

5 Sec. 7. Section 76-2319, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 76-2319 (1) The center shall be governed by a board of directors who  
8 shall oversee operation of the center pursuant to rules and regulations  
9 adopted and promulgated by the State Fire Marshal to carry out the One-  
10 Call Notification System Act. The board of directors shall have the  
11 authority to propose rules and regulations which may be adopted and  
12 promulgated pursuant to this section and have such other authority as  
13 provided by rules and regulations adopted and promulgated by the State

14 Fire Marshal that are not inconsistent with the One-Call Notification  
15 System Act.

16 (2) The board of directors shall also establish a competitive  
17 bidding procedure to select a vendor to provide the notification service,  
18 establish a procedure by which members of the center share the costs of  
19 the center on a fair, reasonable, and nondiscriminatory basis, and do all  
20 other things necessary to implement the purpose of the center. Any  
21 agreement between the center and a vendor for the notification service  
22 may be modified from time to time by the board of directors, and any  
23 agreement shall be reviewed by the board of directors at least once every  
24 three years, with an opportunity to receive new bids if desired by the  
25 board of directors.

26 (3) ~~(2)~~ The rules and regulations adopted and promulgated by the  
27 State Fire Marshal to carry out subsection (2) of this section may  
28 provide for:

29 (a) Any requirements necessary to comply with United States  
30 Department of Transportation programs;

31 (b) The qualifications, appointment, retention, and composition of  
1 the board of directors; and

2 (c) Best practices for the marking, location, and notification of  
3 proposed excavations which shall govern the center, excavators, and  
4 operators of underground facilities.

5 (4) ~~(3)~~ Any rule or regulation adopted and promulgated by the State  
6 Fire Marshal pursuant to subdivision (3)(c) ~~(2)(e)~~ of this section shall  
7 originate with the board of directors.

8 Sec. 8. Any locator acting as a contractor for an operator to  
9 perform location services shall be trained in locator standards and  
10 practices applicable to the industry. The board of directors may review  
11 locator training materials provided by operators, locators, and  
12 excavators and may make recommendations regarding best practices for  
13 locators, if deemed appropriate.

14 Sec. 9. Notwithstanding any other provision of the One-Call  
15 Notification System Act, any plastic or nonmetallic underground  
16 facilities installed underground on or after January 1, 2021, shall be  
17 installed in such a manner as to be locatable, either by mapping or by  
18 use of tracer wire, by the operator for purposes of the act.

19 Sec. 10. The board of directors shall assess the effectiveness of  
20 enforcement programs, enforcement actions, and its damage prevention and  
21 public awareness programs and make a report to the Governor and the  
22 Legislature no later than December 1, 2021, and by December 1 every odd-  
23 numbered year thereafter. The report to the Legislature shall be made  
24 electronically.

25 Sec. 11. Section 76-2322, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 76-2322 An excavator shall serve notice of intent to excavate upon  
28 the center by submitting a locate request using a method provided by the  
29 center. The center shall inform the excavator of all operators to whom

30 such notice will be transmitted and shall promptly transmit such notice  
 31 to every operator having an underground facility in the area of intended  
 1 excavation. The notice shall be transmitted to operators and excavators  
 2 as a ticket. The center shall assign an identification number to each  
 3 notice received, which number shall be evidenced on the ticket.

4 Sec. 12. Section 76-2323, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:

6 76-2323 (1) Upon receipt of the information contained in the notice  
 7 pursuant to section 76-2321, an operator shall advise the excavator of  
 8 the approximate location of underground facilities in the area of the  
 9 proposed excavation by marking or identifying the location of the  
 10 underground facilities with stakes, flags, paint, or any other clearly  
 11 identifiable marking or reference point and shall indicate if the  
 12 underground facilities are subject to section 76-2331. The location of  
 13 the underground facility given by the operator shall be within a strip of  
 14 land eighteen inches on either side of the marking or identification plus  
 15 one-half of the width of the underground facility. If in the opinion of  
 16 the operator the precise location of a facility cannot be determined and  
 17 marked as required, the operator shall provide all pertinent information  
 18 and field locating assistance to the excavator at a mutually agreed to  
 19 time. The location shall be marked or identified using color standards  
 20 prescribed by the center. The operator shall respond no later than two  
 21 business days after receipt of the information in the notice or at a time  
 22 mutually agreed to by the parties.

23 (2) The marking or identification shall be done in a manner that  
 24 will last for a minimum of five business days on any nonpermanent surface  
 25 and a minimum of ten business days on any permanent surface. If the  
 26 excavation will continue for longer than five business days, the operator  
 27 shall remark or reidentify the location of the underground facility upon  
 28 the request of the excavator. The request for remarking or  
 29 reidentification shall be made through the center.

30 (3) An operator who determines that ~~such operator~~ # does not have  
 31 any underground facility located in the area of the proposed excavation  
 1 shall notify the ~~center excavator~~ of the determination prior to the date  
 2 of commencement of the excavation, or prior to two full business days  
 3 after transmittal of the ticket, whichever occurs sooner. All ticket  
 4 responses made under this subsection shall be transmitted to the operator  
 5 and excavator by the center.

6 Sec. 13. Section 76-2325, Reissue Revised Statutes of Nebraska, is  
 7 amended to read:

8 76-2325 (1) Any person who violates ~~the provisions of~~ section  
 9 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, ~~or~~ 76-2331 or  
 10 section 8 or 9 of this act shall be subject to a civil penalty as  
 11 follows:

12 (a) ~~(+)~~ For a violation by an excavator or an operator related to a  
 13 gas or hazardous liquid underground pipeline facility or a fiber optic  
 14 telecommunications facility, an amount not to exceed ten thousand dollars

15 for each violation for each day the violation persists, up to a maximum  
16 of five hundred thousand dollars; and

17 ~~(b)~~ For a violation by an excavator or an operator related to  
18 any other underground facility, an amount not to exceed five thousand  
19 dollars for each day the violation persists, up to a maximum of fifty  
20 thousand dollars.

21 (2) An action to recover a civil penalty shall be brought by the  
22 Attorney General or a prosecuting attorney on behalf of the State of  
23 Nebraska in any court of competent jurisdiction of this state. The trial  
24 shall be before the court, which shall consider the nature,  
25 circumstances, and gravity of the violation and, with respect to the  
26 person found to have committed the violation, the degree of culpability,  
27 the absence or existence of prior violations, whether the violation was a  
28 willful act, any good faith attempt to achieve compliance, and such other  
29 matters as justice may require in determining the amount of penalty  
30 imposed. All penalties shall be remitted to the State Treasurer for  
31 distribution in accordance with Article VII, section 5, of the  
1 Constitution of Nebraska.

2 Sec. 14. The Attorney General shall make an annual report to the  
3 Legislature, the State Fire Marshal, and the board of directors by each  
4 March 15 on the number of complaints filed and the number of such  
5 complaints prosecuted under section 76-2325 during the previous calendar  
6 year. The report to the Legislature shall be made electronically.

7 Sec. 15. The State Fire Marshal may, by rule and regulation, define  
8 occurrences relating to damage of an underground facility that creates an  
9 emergency condition that requires an excavator to immediately notify an  
10 operator or a locator, if applicable, and the center regarding the  
11 location and extent of damage to an underground facility.

12 Sec. 16. Section 86-101, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 86-101 Sections 86-101 to 86-165 and sections 18 and 19 of this act  
15 shall be known and may be cited as the Nebraska Telecommunications  
16 Regulation Act.

17 Sec. 17. Section 86-103, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 86-103 For purposes of the Nebraska Telecommunications Regulation  
20 Act, unless the context otherwise requires, the definitions found in  
21 sections 86-103.01 to 86-121 and sections 18 and 19 of this act apply.

22 Sec. 18. Internet-protocol-enabled service or IP-enabled service  
23 means any service, capability, functionality, or application provided  
24 using Internet protocol, or any successor protocol, that enables a  
25 service user to send or receive a communication in Internet protocol  
26 format, including, but not limited to, voice, data, or video.

27 Sec. 19. Voice over Internet protocol service means an  
28 interconnected voice over Internet protocol service as defined in 47  
29 C.F.R. part 9, as such regulations existed on January 1, 2019.

30 Sec. 20. Section 86-124, Reissue Revised Statutes of Nebraska, is

31 amended to read:

1 86-124 (1) The commission shall not regulate the following:

2 (a) ~~(1)~~ One-way broadcast or cable television transmission of

3 television or radio signals; ~~and~~

4 (b) ~~(2)~~ Mobile radio services, radio paging services, and wireless

5 telecommunications service; -

6 (c) Interexchange services; and

7 (d) Internet-protocol-enabled service and voice over Internet

8 protocol service, including rates, service or contract terms, conditions,

9 or requirements for entry for such service.

10 (2) This section shall not affect or modify:

11 (a) The enforcement of criminal or civil laws, including, but not

12 limited to, laws concerning consumer protection and unfair or deceptive

13 trade practices which apply generally to the conduct of business;

14 (b)(i) Any entity's obligations or rights or commission authority

15 under section 86-122 and under 47 U.S.C. 251 and 252, as such sections

16 existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,

17 service quality standards, interconnection agreements, or other

18 obligations for which the commission has jurisdiction under state or

19 federal law;

20 (c) Any requirement to contribute to any fund administered by the

21 commission authorized by the Enhanced Wireless 911 Services Act or the

22 Nebraska Telecommunications Universal Service Fund Act;

23 (d) Any commission jurisdiction over intrastate switched access

24 rates, terms, and conditions, including the resolution of disputes

25 arising from, and implementation of federal and state law with respect

26 to, intercarrier compensation;

27 (e) The eligibility and requirements for the receipt of funds from

28 the Nebraska Telecommunications Universal Service Fund and the rules,

29 regulations, and orders under the Nebraska Telecommunications Universal

30 Service Fund Act or the receipt of funds from the federal universal

31 service fund, regardless of the unregulated status of the provider's

1 service under this section; and

2 (f) Any entity's rights and obligations with respect to (i)

3 registration under section 86-125, (ii) the use of public streets, roads,

4 highways, and rights-of-way, or (iii) a certificate of public convenience

5 and necessity or a permit.

6 Sec. 21. Section 86-144, Reissue Revised Statutes of Nebraska, is

7 amended to read:

8 86-144 Telecommunications ~~(1)(a) Except as provided in subdivision~~

9 ~~(b) of this subsection, in an exchange in which local competition does~~

10 ~~not exist, telecommunications companies shall file rate lists which, for~~

11 ~~all telecommunications service. The rate lists except for basic local~~

12 ~~exchange rates, shall be effective after (1) ten days' notice to the~~

13 ~~commission or (2) for all rate increases, at least sixty days' notice to~~

14 ~~the commission and all impacted subscribers. (b) Notwithstanding any other~~

15 ~~provision of Chapter 86, a telecommunications company shall not be~~

16 required to file rate lists, tariffs, or contracts for any  
 17 telecommunications service, including local exchange and interexchange  
 18 services, provided as a business service. Upon written notice to the  
 19 commission, a telecommunications company may withdraw any rate list,  
 20 tariff, or contract not required to be filed under this section  
 21 subdivision if the telecommunications company posts the rates, terms, and  
 22 conditions of its telecommunications service on the company's web site.  
 23 ~~(2) In an exchange in which local competition does not exist, basic~~  
 24 ~~local exchange rates may be increased by a telecommunications company~~  
 25 ~~only after ninety days' notice to all affected subscribers. Such notice~~  
 26 ~~of increase shall include (a) the reasons for the rate increase, (b) a~~  
 27 ~~description of the affected telecommunications service, (c) an~~  
 28 ~~explanation of the right of the subscriber to petition the commission for~~  
 29 ~~a public hearing on the rate increase, (d) a list of exchanges which are~~  
 30 ~~affected by the proposed rate increase, and (e) the dates, times, and~~  
 31 ~~places for the public informational meetings required by this section:~~  
 1 ~~(3) A telecommunications company which proposes to increase its~~  
 2 ~~basic local exchange rates shall hold at least one public informational~~  
 3 ~~meeting in each public service commissioner district as established by~~  
 4 ~~section 75-101.01 in which there is an exchange affected by the proposed~~  
 5 ~~rate increase.~~  
 6 Sec. 22. Original sections 76-2301, 76-2303, 76-2305, 76-2315,  
 7 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103, 86-124, and 86-144,  
 8 Reissue Revised Statutes of Nebraska, are repealed.  
 9 Sec. 23. The following section is outright repealed: Section  
 10 76-2316, Reissue Revised Statutes of Nebraska.  
 11 2. On page 1, strike beginning with "the" in line 1 through line 10  
 12 and insert "telecommunications; to amend sections 76-2301, 76-2303,  
 13 76-2305, 76-2315, 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103,  
 14 86-124, and 86-144, Reissue Revised Statutes of Nebraska; to define,  
 15 redefine, and eliminate terms; to change the One-Call Notification System  
 16 Act and the Nebraska Telecommunications Regulation Act as prescribed; to  
 17 harmonize provisions; to repeal the original sections; and to outright  
 18 repeal section 76-2316, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 680.** Placed on Select File with amendment.  
 ER128

1 1. In the Standing Committee amendments, AM1537, on page 2, line 30,  
 2 strike "this act" and insert "the Uniform Civil Remedies for Unauthorized  
 3 Disclosure of Intimate Images Act".  
 4 2. On page 1, line 1, after the semicolon insert "to amend section  
 5 25-213, Reissue Revised Statutes of Nebraska;"; in line 3 strike "and  
 6 construction; and" and insert ", construction, and tolling of statutes of  
 7 limitation;"; and in line 4 after "severability" insert "; and to repeal  
 8 the original section".

(Signed) Julie Slama, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

May 17, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 96, 155, 179, 184, 375, 411e, 418, 478e, 560, 570e, 570Ae, and 595 were received in my office on May 13, 2019.

These bills were signed and delivered to the Secretary of State on May 17, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Gragert has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 150.** Introduced by Albrecht, 17.

WHEREAS, May 24, 2019, is National Poppy Day; and

WHEREAS, National Poppy Day is celebrated in memory of all veterans who have given their lives, the ultimate sacrifice; and

WHEREAS, red crepe paper poppies have been made, worn, displayed, and distributed for fundraising efforts by veterans' groups such as the American Legion Family and American Legion Auxiliary, for decades to observe both Memorial Day and Veterans Day; and

WHEREAS, each year veteran poppy makers across Nebraska, including Dennis Otte of Wayne, make thousands of memorial poppies each year to fundraise and remember; and

WHEREAS, National Poppy Day serves as a strong renewal of our nation's commitment to a powerful reminder of the cost of our freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature remembers the lives lost in World War I and appreciates the work of veteran poppy makers that help us celebrate Memorial Day, Veterans Day, and National Poppy Day.

2. That copies of this resolution be sent to the American Legion Auxiliary for Nebraska and Dennis Otte.

Laid over.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 120, 121, 122, 125, and 133 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 120, 121, 122, 125, and 133.

### BILL ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB293 with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 293.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, sections 27, 43, 53, 66, 67, 68, 69, 70, 94, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, M.	Lathrop	Quick
Arch	DeBoer	Hilgers	Lindstrom	Scheer
Blood	Dorn	Hilkemann	Linehan	Slama
Bolz	Friesen	Howard	Lowe	Stinner
Bostelman	Geist	Hughes	McCollister	Vargas
Brandt	Gragert	Hunt	McDonnell	Walz
Briese	Groene	Kolowski	Moser	Wayne
Chambers	Halloran	Kolterman	Murman	Williams
Clements	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 2:

Brewer Erdman

Excused and not voting, 2:

Cavanaugh Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendments to LB294**

Senator La Grone withdrew his amendments, AM308, AM309, and AM1638, found on pages 516 and 1557, to LB294.

**MOTION(S) - Return LB294 to Select File**

Senator Erdman moved to return LB294 to Select File for his specific amendment, AM1866, found on page 1584.

Senator Stinner offered the following motion:

MO98

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Erdman requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

Arch	Dorn	Howard	Linehan	Slama
Blood	Geist	Hughes	McCollister	Stinner
Bolz	Gragert	Hunt	McDonnell	Vargas
Brandt	Groene	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, B.	Kolterman	Moser	Wayne
Chambers	Hansen, M.	La Grone	Pansing Brooks	Williams
Crawford	Hilgers	Lathrop	Quick	Wishart
DeBoer	Hilkemann	Lindstrom	Scheer	

Voting in the negative, 8:

Albrecht	Brewer	Clements	Halloran
Bostelman	Briese	Erdman	Murman

Present and not voting, 2:

Friesen Lowe

The Stinner motion to invoke cloture prevailed with 39 ayes, 8 nays, and 2 present and not voting.

Senator Erdman requested a roll call vote on his motion to return to Select File.

Voting in the affirmative, 13:

Albrecht	Briese	Friesen	Hansen, B.	Murman
Bostelman	Clements	Groene	Hughes	
Brewer	Erdman	Halloran	Lowe	

Voting in the negative, 34:

Blood	Dorn	Hunt	McDonnell	Stinner
Bolz	Geist	Kolowski	Morfeld	Vargas
Brandt	Gragert	Kolterman	Moser	Walz
Cavanaugh	Hansen, M.	La Grone	Pansing Brooks	Wayne
Chambers	Hilgers	Lathrop	Quick	Williams
Crawford	Hilkemann	Lindstrom	Scheer	Wishart
DeBoer	Howard	McCollister	Slama	

Present and not voting, 2:

Arch	Linehan
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The Erdman motion to return failed with 13 ayes, 34 nays, and 2 present and not voting.

## **BILLS ON FINAL READING**

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB294 with 35 ayes, 10 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 294.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2021; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Arch	Crawford	Hilgers	Lathrop	Scheer
Blood	DeBoer	Hilkemann	Lindstrom	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Morfeld	Wayne
Cavanaugh	Groene	Kolterman	Pansing Brooks	Williams
Chambers	Hansen, M.	La Grone	Quick	Wishart

Voting in the negative, 12:

Albrecht	Clements	Halloran	Moser
Bostelman	Erdman	Hansen, B.	Murman
Brewer	Friesen	Low	Slama

Present and not voting, 2:

Hughes	Linehan
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 295.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2019-20 and FY2020-21; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Albrecht	DeBoer	Hilkemann	Low	Slama
Arch	Dorn	Howard	McCollister	Stinner
Blood	Friesen	Hughes	McDonnell	Vargas
Bolz	Geist	Hunt	Morfeld	Walz
Brandt	Gragert	Kolowski	Moser	Wayne
Briese	Groene	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Wishart
Chambers	Hansen, M.	Lathrop	Quick	
Crawford	Hilgers	Lindstrom	Scheer	

Voting in the negative, 4:

Bostelman Brewer Erdman Halloran

Present and not voting, 2:

Clements Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 296.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2019-20 and FY2020-21; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Albrecht	Clements	Hilgers	Linehan	Slama
Arch	Crawford	Hilkemann	Lowe	Stinner
Blood	DeBoer	Howard	McCollister	Vargas
Bolz	Dorn	Hughes	McDonnell	Walz
Bostelman	Erdman	Hunt	Morfeld	Wayne
Brandt	Friesen	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Hansen, B.	Lathrop	Quick	
Chambers	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 2:

Geist Halloran

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB297 to Select File**

Senator Erdman moved to return LB297 to Select File for the following specific amendment:

AM1868

(Amendments to Final Reading copy)

1 1. Strike section 17.

2 2. Renumber the remaining sections accordingly.

**PRESIDENT FOLEY PRESIDING**

Senator Erdman requested a roll call vote on his motion to return to Select File.

Voting in the affirmative, 17:

Albrecht	Erdman	Hansen, B.	Linehan	Slama
Brandt	Friesen	Hilgers	Lowe	
Brewer	Groene	Hughes	Moser	
Clements	Halloran	La Grone	Murman	

Voting in the negative, 30:

Arch	Crawford	Hilkemann	Lindstrom	Stinner
Blood	DeBoer	Howard	McCollister	Vargas
Bolz	Dorn	Hunt	McDonnell	Walz
Bostelman	Geist	Kolowski	Morfeld	Wayne
Cavanaugh	Gragert	Kolterman	Pansing Brooks	Williams
Chambers	Hansen, M.	Lathrop	Quick	Wishart

Present and not voting, 1:

Briese

Excused and not voting, 1:

Scheer

The Erdman motion to return failed with 17 ayes, 30 nays, 1 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB297 with 33 ayes, 9 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 297.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as

prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Arch	DeBoer	Hilkemann	Lindstrom	Slama
Blood	Dorn	Howard	Linehan	Stinner
Bolz	Geist	Hughes	McCollister	Walz
Brandt	Gragert	Hunt	McDonnell	Wayne
Briese	Groene	Kolowski	Morfeld	Williams
Cavanaugh	Hansen, B.	Kolterman	Moser	Wishart
Chambers	Hansen, M.	La Grone	Pansing Brooks	
Crawford	Hilgers	Lathrop	Quick	

Voting in the negative, 9:

Albrecht	Brewer	Erdman	Halloran	Murman
Bostelman	Clements	Friesen	Lowe	

Present and not voting, 1:

Vargas

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 298.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 2-4018, 61-218, 66-1334, 71-7611, and 86-563, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 45-621, 81-1426.01, 81-15,175, and 84-1227, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate sources, uses, and transfers of funds; to create and

repeal funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-1327 and 86-566, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Friesen	Hughes	McDonnell	Wayne
Bostelman	Geist	Hunt	Morfeld	Williams
Brandt	Gragert	Kolowski	Moser	Wishart
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Slama	

Voting in the negative, 2:

Brewer          Erdman

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 299.** With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to authorize a transfer; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Albrecht	Crawford	Hilgers	Lindstrom	Slama
Arch	DeBoer	Hilkemann	Linehan	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Hansen, B.	La Grone	Pansing Brooks	
Clements	Hansen, M.	Lathrop	Quick	

Voting in the negative, 4:

Bostelman	Brewer	Halloran	Low
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Present and not voting, 1:

Erdman

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 464.** With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Albrecht	Clements	Hansen, B.	Lathrop	Stinner
Arch	Crawford	Hansen, M.	Lindstrom	Vargas
Blood	DeBoer	Hilgers	Linehan	Walz
Bolz	Dorn	Hilkemann	McCollister	Wayne
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Murman	
Briese	Gragert	Kolowski	Pansing Brooks	
Cavanaugh	Groene	Kolterman	Quick	
Chambers	Halloran	La Grone	Slama	

Voting in the negative, 1:

Moser

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 293, 294, 295, 296, 297, 298, 299, and 464.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 62.** Placed on Final Reading.  
**LEGISLATIVE BILL 123.** Placed on Final Reading.  
**LEGISLATIVE BILL 135.** Placed on Final Reading.  
**LEGISLATIVE BILL 220.** Placed on Final Reading.  
**LEGISLATIVE BILL 244.** Placed on Final Reading.  
**LEGISLATIVE BILL 248.** Placed on Final Reading.  
**LEGISLATIVE BILL 260.** Placed on Final Reading.  
**LEGISLATIVE BILL 281.** Placed on Final Reading.  
**LEGISLATIVE BILL 308.** Placed on Final Reading.  
**LEGISLATIVE BILL 315.** Placed on Final Reading.  
**LEGISLATIVE BILL 374.** Placed on Final Reading.  
**LEGISLATIVE BILL 392.** Placed on Final Reading.  
**LEGISLATIVE BILL 414.** Placed on Final Reading.  
**LEGISLATIVE BILL 427.** Placed on Final Reading.  
**LEGISLATIVE BILL 447.** Placed on Final Reading.  
**LEGISLATIVE BILL 447A.** Placed on Final Reading.  
**LEGISLATIVE BILL 454.** Placed on Final Reading.  
**LEGISLATIVE BILL 476.** Placed on Final Reading.  
**LEGISLATIVE BILL 505.** Placed on Final Reading.  
**LEGISLATIVE BILL 525.** Placed on Final Reading.  
**LEGISLATIVE BILL 533.** Placed on Final Reading.  
**LEGISLATIVE BILL 559.** Placed on Final Reading.  
**LEGISLATIVE BILL 561.** Placed on Final Reading.  
**LEGISLATIVE BILL 564.** Placed on Final Reading.  
**LEGISLATIVE BILL 571.** Placed on Final Reading.

**LEGISLATIVE BILL 571A.** Placed on Final Reading.  
**LEGISLATIVE BILL 609.** Placed on Final Reading.  
**LEGISLATIVE BILL 719.** Placed on Final Reading.  
**LEGISLATIVE BILL 719A.** Placed on Final Reading.  
**LEGISLATIVE BILL 726.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 515.** Placed on General File with amendment.  
AM1673 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

**SPEAKER'S MAJOR PROPOSAL**

May 21, 2019

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Scheer's request that LB720 be designated as a 2019 Speaker's Major Proposal.

Respectfully,  
(Signed) Senator Mike Hilgers  
Chair, Executive Board

C: Speaker Jim Scheer  
Senator Mark Kolterman

**AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB657A:  
AM1883

(Amendments to Final Reading copy)

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$50,000 from the
- 3 Nebraska Hemp Program Fund for FY2019-20 and (2) \$110,000 from the
- 4 Nebraska Hemp Program Fund for FY2020-21 to the Department of
- 5 Agriculture, for Program 78, to aid in carrying out the provisions of
- 6 Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019.

7 Total expenditures for permanent and temporary salaries and per  
 8 diems from funds appropriated in this section shall not exceed \$50,000  
 9 for FY2019-20 or \$75,000 for FY2020-21.  
 10 It is the intent of the Legislature that the Department of  
 11 Agriculture shall provide a report to the Appropriations Committee of the  
 12 Legislature no later than January 15, 2020, detailing: (1) Expenses  
 13 incurred to date related to Legislative Bill 657, One Hundred Sixth  
 14 Legislature, First Session, 2019, including costs paid from the Noxious  
 15 Weed Cash Fund; (2) license applications received from cultivators,  
 16 processor-handlers, and brokers; (3) the number of approved license  
 17 applications for growers, processor-handlers, and brokers; (4) the  
 18 projected fee revenue resulting from the approved applications; (5) the  
 19 geographic location of the approved licensees; and (6) estimated program  
 20 funding needs for the remainder of FY2019-20 and for FY2020-21.

Senator Friesen filed the following amendment to LB462:

AM1909

(Amendments to E&R amendments, ER127)

1 1. Insert the following new section:  
 2 Sec. 7. Section 76-2318, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 76-2318 Operators of underground facilities shall become members of  
 5 and participate in the ~~statewide one-call notification~~ center.  
 6 2. On page 8, line 13, strike "all" and insert "basic local  
 7 exchange".  
 8 3. On page 9, line 6, after the last comma insert "76-2318," and in  
 9 line 13 after the second comma insert "76-2318,".  
 10 4. Renumber the remaining sections and correct internal references  
 11 accordingly.

Senator Lindstrom filed the following amendment to LB186:

AM1823

(Amendments to Final Reading copy)

1 1. Strike section 26 and insert the following new sections:  
 2 Sec. 24. Section 84-618, Revised Statutes Cumulative Supplement,  
 3 2018, is amended to read:  
 4 84-618 (1) The Treasury Management Cash Fund is created. A pro rata  
 5 share of the budget appropriated for the treasury management functions of  
 6 the State Treasurer and for the administration of the achieving a better  
 7 life experience program as provided in sections 77-1401 to 77-1409 shall  
 8 be charged to the income of each fund held in invested cash, and such  
 9 charges shall be transferred to the Treasury Management Cash Fund. The  
 10 allocation of charges may be made by any method determined to be  
 11 reasonably related to actual costs incurred by the State Treasurer in  
 12 carrying out the treasury management functions under section 84-602 and  
 13 in carrying out the achieving a better life experience program as  
 14 provided in sections 77-1401 to 77-1409. Approval of the agencies,  
 15 boards, and commissions administering these funds shall not be required.  
 16 (2) It is the intent of this section to have funds held in invested

17 cash be charged a pro rata share of such expenses when this is not  
 18 prohibited by statute or the Constitution of Nebraska.  
 19 (3) The Treasury Management Cash Fund shall be used for the treasury  
 20 management functions of the State Treasurer and for the administration of  
 21 the achieving a better life experience program as provided in sections  
 22 77-1401 to 77-1409. To the extent permitted by section 529A as defined in  
 23 section 77-1401, the fund may receive gifts for administration,  
 24 operation, and maintenance of a program established under sections  
 25 77-1403 to 77-1409.  
 26 (4) Transfers may be made from the Treasury Management Cash Fund to  
 1 the General Fund and to the Administration Cash Fund created in section  
 2 33-102 at the direction of the Legislature. Any money in the Treasury  
 3 Management Cash Fund available for investment shall be invested by the  
 4 state investment officer pursuant to the Nebraska Capital Expansion Act  
 5 and the Nebraska State Funds Investment Act.  
 6 (5) On or before July 5, 2019, or as soon thereafter as possible,  
 7 the State Treasurer shall transfer eighty-two thousand one hundred sixty-  
 8 seven dollars from the Treasury Management Cash Fund to the  
 9 Administration Cash Fund. On or before July 1, 2020, the State Treasurer  
 10 shall transfer twenty-seven thousand six hundred eighty-two dollars from  
 11 the Treasury Management Cash Fund to the Administration Cash Fund.  
 12 Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
 13 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, and 29 of this act become  
 14 operative on July 1, 2020. The other sections of this act become  
 15 operative on their effective date.  
 16 Sec. 28. Original section 84-618, Revised Statutes Cumulative  
 17 Supplement, 2018, is repealed.  
 18 Sec. 30. Since an emergency exists, this act takes effect when  
 19 passed and approved according to law.  
 20 2. On page 1, line 3, strike "section 23-1503.01" and insert  
 21 "sections 23-1503.01 and 84-618"; in line 5 after the semicolon insert  
 22 "to provide for transfers of funds;"; in line 8 strike "an operative  
 23 date" and insert "operative dates", strike "and", and after "sections"  
 24 insert "; and to declare an emergency".  
 25 3. Renumber the remaining sections accordingly.

Senator Lindstrom filed the following amendment to LB186A:  
 AM1814

(Amendments to Final Reading copy)

1 1. Insert the following new section:  
 2 Sec. 2. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.  
 4 2. On page 1, line 3, before the period insert "; and to declare an  
 5 emergency".  
 6 3. On page 2, line 2, strike both occurrences of "General" and  
 7 insert "Administration Cash"; and strike beginning with the second "and"  
 8 in line 2 through "Fund" in line 3.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 151.** Introduced by Groene, 42.

**PURPOSE:** The purpose of this resolution is to examine the financing of public education and develop recommendations for improving school funding in Nebraska. The study committee shall examine school finance policy in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 152.** Introduced by Groene, 42.

**PURPOSE:** The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 153.** Introduced by Groene, 42.

**PURPOSE:** The purpose of this interim study is to:

- (1) Examine the administrative costs of local systems and school districts, including, but not limited to, the definition of what constitutes an administrative cost and the portion of total authorized expenditures that are budgeted for such costs; and
- (2) Investigate methods for reducing such costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 154.** Introduced by Groene, 42.

PURPOSE: The purpose of this interim study is to:

(1) Examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement (N-CORPE) interlocal project in Lincoln County, Nebraska;

(2) Examine existing statutes pertaining to integrated management plans and augmentation plans related to ground water; and

(3) Examine statutes and opinions of the Nebraska Supreme Court and Nebraska Court of Appeals in reference to the relationship between land ownership and ground water use for augmentation or transfer, including the decisions in *Estermann v. Bose*, 296 Neb. 228 (2017), *Olson v. City of Wahoo*, 124 Neb. 802 (1933), *Sorensen v. Lower Niobrara Natural Resources District*, 221 Neb. 180 (1985), and *Upper Republican Natural Resources District v. Dundy County Board of Equalization*, 300 Neb. 256 (2018).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 155.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to municipalities that border another state. The interim study shall include, but not be limited to:

(1) A review of municipalities that border one or more neighboring states;

(2) A review of the percentage of Nebraska's population that resides in municipalities that border one or more neighboring states; and

(3) An examination of the impact of policy changes in neighboring states on Nebraska municipalities that border such states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 156.** Introduced by DeBoer, 10.

**PURPOSE:** The purpose of this interim study is to examine strategies to prevent suicide by youth involved in the Nebraska juvenile justice system.

Involvement with the juvenile justice system has been linked to an increased suicide risk among youth. Factors that may increase suicide risk in this population include mental health or substance use disorders, the loss of a friend or family member to suicide or another cause of death, social isolation, relationship problems, and separation from family.

Administrators, staff, and others in the juvenile justice system can play an important role in suicide prevention. Adopting suicide prevention protocols, guidelines, and tools will help improve the Nebraska juvenile justice system's intervention standards and mental health care, thereby contributing to suicide prevention and to the overall health and well-being of justice-involved youth.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Best practices for suicide prevention in the juvenile justice system;
- (2) Collaboration between agencies involved in the Nebraska juvenile justice system to identify and provide services to youth who are at-risk of suicide;
- (3) Availability of appropriate services for youth in the Nebraska juvenile justice system who are at-risk of suicide; and
- (4) Effective data collection and information-sharing practices for the purposes of law, policy, and program development, for the purposes of individual case planning and decisionmaking, and for program evaluation and performance measurement relating to youth who are at-risk of suicide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 157.** Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an indepth review of the financing of the public elementary and secondary schools. The issues addressed by this interim study shall include, but not be limited to:

- (1) The methods of financing public elementary and secondary schools, including financing methods used in other states, which would provide equitable educational opportunities across the state and offer alternatives to heavy reliance on property taxes;
- (2) The option of using income tax as a component in the financing of public elementary and secondary schools;
- (3) The option of using sales tax as a component in the financing of public elementary and secondary schools, including, but not limited to, an examination of the experience of any other states with such option;
- (4) Financing issues as they relate to the quality and performance of public elementary and secondary schools;
- (5) Options for funding expanded public prekindergarten services;
- (6) Options for funding college-readiness and career-readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;
- (7) The costs and resources necessary to meet the diverse and growing needs of students across the state, including, but not limited to, the needs of poverty students and limited English proficiency students;
- (8) Methods used by other states to fund public elementary and secondary school infrastructure needs; and
- (9) Other issues related to public elementary and secondary school financing as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 158.** Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine matters related to adoption procedures in Nebraska. The interim study shall include, but not be limited to a review of:

- (1) Adoption and stepparent adoption statutes and relevant case law in Nebraska, including the criteria a child must meet in order to be eligible for adoption;
- (2) Practices of the Department of Health and Human Services related to the foster and adoption processes, including, but not limited to, placement

criteria, home visit requirements, and the timeline for adoption finalization; and

(3) Adoption statutes from other states, including how other states have modernized and adapted their adoption law to address changes in cultural and medical practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 159.** Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature. The issues addressed by this interim study shall include, but not be limited to, the requisite information for a committee statement and how written testimony provided for a public hearing is recorded and reported by a committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select interim committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 160.** Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources needed to ensure a robust behavioral health service delivery system. The issues addressed by this interim study shall include, but not be limited to:

(1) Nebraska's current system of care and adherence to the Behavioral Health Strategic Plan for 2017-2020;

(2) Behavioral health programs and services administered by the Department of Health and Human Services and the behavioral health regions;

(3) Funding sources for behavioral health assessment, treatment, and community support;

(4) Model policies and programs used by behavioral health groups to ensure community mental health and behavioral health needs are met; and

(5) Emergency protective custody and steps the Department of Health and Human Services takes to ensure a safe and appropriate environment for individuals placed in such custody.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 161.** Introduced by Legislative Performance Audit Committee: Geist, 25, Chairperson; Friesen, 34; Scheer, 19; Stinner, 48.

**PURPOSE:** The purpose of this interim study is to examine policy issues revealed during a performance audit of the Nebraska Advantage Microenterprise Tax Credit Act. The Legislative Performance Audit Committee recommended the introduction of an interim study to fully explore, and propose solutions to, administrative and compliance difficulties caused by design and definitional issues.

The office of Legislative Audit reported that, according to the Department of Revenue, compared to other incentive programs administered by the Department of Revenue, aspects of the Nebraska Advantage Microenterprise Tax Credit Act increase the risk that participants receive credit for activities not intended by the Legislature, make the program more difficult to administer, and make it difficult to comply with program requirements.

The issues addressed by this interim study shall include, but not be limited to:

(1) Potential limitations of transactions that generate credit under the act but were not intended by the Legislature to do so;

(2) Difficulties for taxpayers and department staff raised by terms within the act that are not clearly defined; and

(3) Taxpayer compliance burdens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 162.** Introduced by Bostelman, 23.

**PURPOSE:** The purpose of this interim study is to examine issues impacting volunteer emergency medical personnel and to continue the work done through Legislative Resolution 395, One Hundred Fifth Legislature, Second Session, 2018. Nebraska's volunteer emergency medical service providers offer significant assistance throughout the state, especially where the cost of tax-supported services is prohibitive.

The issues addressed by this interim study shall include, but not be limited to:

(1) The use of the electronic Nebraska Ambulance Rescue Service Information System for the collection and analysis of patient care data, including a history of the system, and the use of data by volunteer emergency medical services;

(2) Recommended improvements to such data system;

(3) The education and training of applicants to become volunteer emergency medical technicians; and

(4) The billing and collection methods for services provided by volunteer emergency medical departments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 163.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine any issues within the jurisdiction of the Health and Human Services Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 164.** Introduced by Williams, 36; Kolterman, 24; Lindstrom, 18.

**PURPOSE:** The purpose of this interim study is to examine the need to update the insurance laws of Nebraska in response to technology advancement and innovation, also known as insurtech, in the insurance industry. The interim study shall include, but not be limited to, a review of the interaction of insurance regulation and artificial intelligence, blockchain, autonomous vehicles, and the Internet of things. In order to carry out the purposes of this interim study, the committee should seek the assistance of the Department of Insurance and should consider the input of interested parties, as the committee deems necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 165.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this interim study is to examine issues related to municipal firefighting and emergency medical services. The interim study shall examine:

(1) Which municipalities employ paid firefighters and emergency medical technicians, which municipalities utilize volunteer firefighters and emergency medical technicians, and which municipalities utilize a hybrid of paid and volunteer firefighters and emergency medical technicians;

(2) Municipal fire and emergency medical service response times and standards and how such response times and standards are defined;

(3) The effect of municipal fire and emergency medical service response times and standards on municipal bond ratings and insurance ratings; and

(4) The population thresholds at which municipal fire and emergency medical services are considered essential services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 166.** Introduced by Friesen, 34; Bostelman, 23; Brandt, 32; Walz, 15.

**PURPOSE:** The purpose of this interim study is to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994. The task force is charged with studying issues relating to broadband availability, quality, and affordability in rural areas and comparability to broadband services in urban areas. According to section 86-1102, the task force is required to present its findings in a report to the Executive Board of the Legislative Council by November 1, 2019, and the task force is to examine issues relating to availability, adoption, and affordability of broadband services in rural Nebraska. This interim study shall review the report of the task force and invite testimony from stakeholders regarding the recommendations of the task force.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 167.** Introduced by Friesen, 34; Bostelman, 23.

**PURPOSE:** The purpose of this interim study is to review the current model of collecting taxes to build and repair roads. In Nebraska, state and local governments rely primarily on fuel taxes to fund highway construction and repair. Legislative Bill 366, One Hundred Sixth Legislature, First Session, 2019, proposed an increased registration fee on electric-powered vehicles which do not pay fuel tax. As electric-powered vehicles and hybrid vehicles continue to increase in market share and gasoline-powered vehicles continue to drive more miles per gallon, fewer dollars are available for road repair and construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.** Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 169.** Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine issues raised during the hearing and debate on Legislative Bill 462, One Hundred Sixth Legislature, First Session, 2019, and examine potential improvements to the enforcement of the One-Call Notification System Act. The issues addressed by this interim study shall include, but not be limited to:

(1) The creation of a dispute resolution board to hear complaints of violations of the One-Call Notification System Act and make recommendations on the final determination of such complaints;

(2) The composition of such dispute resolution board, the powers of and limitations on such dispute resolution board, and the processes that should be employed by such dispute resolution board;

(3) How the expenses of such a dispute resolution board may be funded without creating a General Fund impact;

(4) The appropriate state agency to have authority over the dispute resolution board; and

(5) Alternatives to a dispute resolution board that would increase the enforcement efficiency and effectiveness under the One-Call Notification System Act.

In order to carry out the purposes of this resolution, the assistance and input of the underground construction industry, operators of underground utility facilities, the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, and other parties, agencies, or political subdivisions impacted by such issues shall be sought.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 170.** Introduced by Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to study the Department of Health and Human Services' plan to submit a demonstration project waiver for the medical assistance program under section 1115 of the Social Security Act.

In November 2018, the people of Nebraska voted to expand access to the medical assistance program through Initiative No. 427. On April 1, 2019, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services submitted three state plan amendments to the federal Centers for Medicaid and Medicare Services, which are necessary to implement medicaid expansion. Approval of those state plan amendments would allow implementation and coverage to begin. However, the department does not plan to begin coverage until October 1, 2020, nearly two years after Nebraskans voted for such coverage, because the department is tying expansion to an optional 1115 waiver, which is not necessary for expansion, and that will make significant changes to Nebraska's current medical assistance program.

The issues addressed by this interim study shall include, but not be limited to:

(1) The detailed substance of the 1115 waiver and application submitted by the Department of Health and Human Services to the Centers for Medicaid and Medicare Services, including work requirements and benefit limitations;

(2) Any challenges to beneficiaries, providers, contractors, or the department in implementing these significant policy changes to Nebraska's medical assistance program;

(3) The additional fiscal impact of the 1115 waiver, including the increased cost of the 1115 waiver compared to the expansion of the medical assistance program contemplated by Initiative No. 427 and completed through the submission of state plan amendments; and

(4) Whether significant policy changes to the structure, benefits, and administration of the medical assistance program should be made or approved by the state's policymaking body.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 171.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the impact of lowering the age of majority from 19 years of age to 18 years of age for making health care decisions.

This interim study shall include, but not be limited to, an examination of:

- (1) The age of majority for health care decisions in other states;
- (2) Any states that have an age of majority for health care decisions of 18 years of age or younger;
- (3) The potential economic impacts of changing the age of majority for health care decisions; and
- (4) The impact the age of majority for health care decisions has on health care providers and insurers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 172.** Introduced by Williams, 36; Howard, 9.

PURPOSE: The purpose of this resolution is to study and analyze state and local policy and initiatives to retain and incent health care providers and health-related businesses in the state to remain and expand in Nebraska. This interim study shall further examine the potential advantages of combining employee incentives of existing loan forgiveness programs with federal and state benefits from federally designated Opportunity Zones to stimulate private investment by health-related industries and health

professions to address economic development and workforce development in high-need areas across Nebraska.

The interim study shall include, but not be limited to, an examination of the following:

(1) The creation of Health Enterprise Zones to incent licensed medical clinics and providers to expand or establish a presence in a designated health care service shortage area;

(2) Potentially eligible census tracts across Nebraska with defined health care disparities that have also been designated by the U.S. Department of Treasury as an Opportunity Zone;

(3) The potential economic impact and historic data on health care businesses or entities within a federally designated Opportunity Zone and the potential impact of additional state incentives and regulatory flexibility through a state-established Health Opportunity Zone;

(4) The potential benefits and outcomes of establishing a state and local fund to award matching grants to attract health care practitioners to state-designated health provider shortage areas;

(5) Current state programs that assist health care, biomedical, and pharmaceutical businesses expand investment and the workforce in Nebraska; and

(6) Opportunities to align or improve systems that support Nebraska's health care workforce in underserved and high-need communities across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 173.** Introduced by Quick, 35; Albrecht, 17; Pansing Brooks, 28.

**PURPOSE:** The purpose of this interim study is to examine health concerns related to the public use of and secondhand exposure to electronic nicotine delivery systems and other products including, but not limited to, e-cigarettes and vaping devices.

The interim study shall include, but not be limited to, an examination of:

(1) The chemicals, nicotine, particulate matter, heavy metals, and pollutants found in such devices;

(2) The health concerns of people who are involuntarily exposed to toxins, chemicals, particulate matter, heavy metals, and pollutants;

(3) The health problems also associated with secondhand smoke, vapor, fog, mist, gas, or aerosol products because of exposure to toxins, chemicals, particulate matter, heavy metals, and pollutants; and

(4) Potential statutory changes necessary to prevent exposure to secondhand nicotine vapor to protect population health and environmental health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 174.** Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the Highway Trust Fund and ways it can be used to increase transit infrastructure in areas with limited access. The issues addressed by this interim study shall include, but not be limited to:

(1) Transit access to job centers, educational opportunities, and training opportunities;

(2) Transit access to healthcare and other human services;

(3) Transit access to grocery stores, farmers markets, and food sources that alleviate food deserts;

(4) The availability of infrastructure to support low-cost travel such as sidewalks, bicycle facilities, and public transit;

(5) The availability of sidewalks and bicycle infrastructure near schools and along transit lines;

(6) The air quality impacts of transportation infrastructure; and

(7) A state-level funding formula for transit in Nebraska and how it can be flexible to avoid unfair distribution of funds among rural and urban interests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 175.** Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to ensure accelerated broadband deployment statewide. The issues addressed by this interim study shall include, but not be limited to:

- (1) Whether the Nebraska Public Service Commission has sufficient authority to effectuate the withholding and redistribution of Universal Service Fund support called for by the Rural Broadband Task Force;
- (2) Changes needed to carry out the recommendations of the Rural Broadband Task Force;
- (3) The need for improved mapping of areas of the state unserved and underserved by broadband;
- (4) Changes needed to facilitate public-private partnerships in the deployment of broadband;
- (5) Any impediments placed by the government that should be removed or modified to ensure accelerated broadband deployment;
- (6) Federal agencies or officials needed to secure more telecommunications infrastructure support for Nebraska; and
- (7) How to best distribute financial support to ensure accelerated broadband deployment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 176.** Introduced by Cavanaugh, 6; Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the metrics used in the juvenile justice system to track outcomes for youth who are under system supervision and after contact with the juvenile justice system. National juvenile justice best practices encourage policymakers to accurately measure recidivism rates and other youth outcomes and analyze, report, and use such data to promote accountability and a more effective juvenile justice system.

The interim study shall include, but not be limited to:

- (1) An examination of how the juvenile justice system measures recidivism for youth involved in the juvenile justice system, considering the multiple ways they may have subsequent contact with such system;
- (2) An analysis of recidivism data in Nebraska's juvenile justice system to account for risk levels and other key youth characteristics and variables;

- (3) An examination of the infrastructure of the juvenile justice system to collect, analyze, and report recidivism data;
- (4) An examination of how the juvenile justice system makes recidivism data accessible to key constituents and the general public;
- (5) An examination of how the juvenile justice system uses recidivism data to inform juvenile justice policy, practice, and resource allocation; and
- (6) An examination of how the juvenile justice system tracks outcomes for youth, including educational attainment, behavioral health improvements, skill development, employment, or other metrics to assess whether youth are transitioning to a crime-free and productive adulthood.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 177.** Introduced by Cavanaugh, 6.

**PURPOSE:** The purpose of this interim study is to examine issues faced by youth in the child welfare system who are pregnant or parenting. The issues addressed by this interim study shall include, but not be limited to:

- (1) The number of youth in the child welfare system who are pregnant and who are parenting;
- (2) The availability of private and public support services for such youth;
- (3) The use of private and public support services for such youth by the Department of Health and Human Services;
- (4) Initiatives, programs, administrative policies, and legislative policies implemented in other states that have improved outcomes for pregnant or parenting youth;
- (5) The impacts of the federal Family First Prevention Services Act of 2017 on the delivery and availability of services for pregnant and parenting youth;
- (6) The perspectives and experiences of youth who are or who have been part of Nebraska's child welfare system; and
- (7) Intergenerational strategies to stop the cycle of involvement in the child welfare system, including, but not limited to, addressing the cliff effect in public benefit programs and access to quality early childhood education, health care, postsecondary educational opportunities, and workforce training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 178.** Introduced by Cavanaugh, 6; Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine the distribution of affordable housing across the state and how the lack of available affordable housing can impact the workforce. The issues addressed by this interim study shall include, but not be limited to:

(1) The prevalence of unfilled jobs across the state and the industries and communities that are most severely hampered from growing their workforce due to a lack of available housing;

(2) The distribution of housing vacancies across the state;

(3) The distribution and allocation of housing development subsidies across the state;

(4) The number of jobs that are currently unfilled because of a lack of adequate housing for the workforce and the overall economic impact that a lack of adequate housing has on the State of Nebraska; and

(5) The overall need for increased investment in housing development, rental assistance, and home-buyer assistance.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 179.** Introduced by Cavanaugh, 6; Dorn, 30; Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine the fiscal impact of the Supplemental Nutrition Assistance Program and childcare subsidies.

The interim study shall examine:

(1) The fiscal impact of the Supplemental Nutrition Assistance Program;

(2) The fiscal impact of increasing or expanding the availability of benefits under the Supplemental Nutrition Assistance Program;

(3) The fiscal impact of the child care subsidy program; and

(4) The fiscal impact of increasing or expanding the availability of benefits under the child care subsidy program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 180.** Introduced by Cavanaugh, 6; Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to examine the practice of mindfulness to reduce the number of children and adults in crisis. The Legislature is concerned about suicide, school safety, and behavioral health. In Nebraska, health systems have recognized increases in children dealing with behavioral health issues. Incidences of children dealing with anxiety, depression, and social-emotional issues have placed increased strain on our public health system, schools, and medical infrastructure.

Adverse Childhood Experiences (ACEs) and the impact of such experiences on the brain of a child have been identified as risk factors in the long-term physical and emotional health of people. The impacts of ACEs have created heavy demands on public resources and created challenges to workforce development.

Studies have shown that mindfulness techniques teach children and adults to heighten their awareness of the present moment, including what they are hearing, seeing, feeling, or smelling. These few brief moments of focused attention can interrupt impulsive behaviors or negative thoughts and are calming for children and adults. Mindfulness strategies have been taught by many different educational and mental health professionals. Mindfulness techniques can be used as a preventative program to lower demands on mental health resources.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Best practices for mindfulness strategies;
- (2) How mindfulness techniques can be helpful in assisting children with ACEs;
- (3) Ways to provide mindfulness strategies to more people;
- (4) How the public health infrastructure and mental health professionals can align to provide preventative programs of mindfulness; and
- (5) How the elementary, secondary, and postsecondary educational systems can engage the health care system to provide more preventative support through mindfulness.

To carry out the interim study, professionals in mental health, public health, wellness, and insurance, the Department of Health and Human Services, the State Department of Education, teachers, administrators, school board members, and others may be consulted to share data, develop strategies and make recommendations to develop a long-term vision on how to address behavioral health needs through mindfulness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **WITHDRAW - Cointroducer(s)**

Senator Wayne name withdrawn from LB605.

#### **VISITOR(S)**

Visitors to the Chamber were members of the Monument Prevention Youth Advisory Board from Scotts Bluff County; students from Gates Elementary School, Grand Island; Senator Lowe's wife, son, and daughter-in-law, Kim, Rob, and Shelby Lowe, from Kearney; students from Swanson Elementary School, Omaha; Senator Hilgers' wife, daughters, and son, Heather, Elsie, Clara Jane, and "Little" Mike Hilgers, and Senator Hilgers' brother-in-law, Clint Hicks; and students from Pawnee Elementary School, Omaha.

#### **RECESS**

At 11:58 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Bolz, Friesen, Hilkemann, Scheer, Stinner, and Wishart who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 181.** Introduced by Dorn, 30; Stinner, 48.

**PURPOSE:** The purpose of this interim study is to examine new funding streams for financial stability of the simulation-in-motion Nebraska program. Legislative Bill 666, One Hundred Sixth Legislature, First Session, 2019, would transfer funds to the University of Nebraska Medical Center to purchase a simulation-in-motion program to train first responders and emergency medical technicians in rural areas.

Simulation-in-motion vehicles are mobile trucks that provide hands-on training with high-fidelity, life-like mannequins. These trucks travel across the state and provide invaluable training to emergency care providers, including doctors, emergency medical responders, emergency medical technicians, nurses, paramedics, and other emergency health care personnel.

The initial investment in the simulation-in-motion program in Nebraska was made possible through a grant by the Leona M. and Harry B. Helmsley Charitable Trust and other donors to the program. A sustainable funding stream is needed to financially support the program.

The interim study shall include, but not be limited to, input from the following:

- (1) One representative of the "50 cents for Life" program administered by the Department of Health and Human Services;
- (2) One representative of the University of Nebraska with knowledge of the simulation-in-motion Nebraska program;
- (3) Three representatives in the emergency medical field, which may include an emergency medical technician, a doctor, or a nurse who provides emergency medical care in hospitals; and
- (4) Other individuals with expertise in the program or emergency medical issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this interim study is to examine methods for the early screening of melanoma and modernization of reimbursement for telehealth for such screening due to the rising incidents of melanoma and other skin cancers in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) The impact of melanoma and other skin cancers in Nebraska;
- (2) The distribution of dermatologists in Nebraska and provider shortage areas;
- (3) Methods to improve access to cancer screening including teledermatology;
- (4) Minimum photograph and video resolution needed to diagnose skin lesions remotely; and
- (5) Modern regulations and provider reimbursement models.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 183.** Introduced by Geist, 25.

PURPOSE: The purpose of this interim study is to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement. The study shall include, but not be limited to, a review of mental health records without violating state or federal law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2019, at 12:00 p.m. were the following: LBs 293e, 294e, 295e, 296e, 297e, 298e, 299e, and 464e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB86:  
AM1912

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 58-703, Revised Statutes Cumulative Supplement,
- 3 2018, is amended to read:
- 4 58-703 The Affordable Housing Trust Fund is created. The fund shall
- 5 receive money pursuant to section 76-903 and may include revenue from
- 6 sources recommended by the housing advisory committee established in
- 7 section 58-704, appropriations from the Legislature, transfers authorized
- 8 by the Legislature, grants, private contributions, repayment of loans,
- 9 and all other sources. The Department of Economic Development as part of
- 10 its comprehensive housing affordability strategy shall administer the
- 11 Affordable Housing Trust Fund.
- 12 Transfers may be made from the Affordable Housing Trust Fund to the
- 13 General Fund, the Behavioral Health Services Fund, the Lead-Based Paint
- 14 Hazard Control Cash Fund, the Rural Workforce Housing Investment Fund,
- 15 and the Site and Building Development Fund at the direction of the
- 16 Legislature.
- 17 The State Treasurer shall transfer fifty-eight thousand one hundred
- 18 eighty-eight dollars from the Affordable Housing Trust Fund to the
- 19 General Fund on or before September 15, 2019, on such date as directed by
- 20 the budget administrator of the budget division of the Department of
- 21 Administrative Services.
- 22 2. On page 1, line 3, after "18-2117.04," insert "58-703,"; and in
- 23 line 11, after the semicolon insert "to transfer funds;".
- 24 3. On page 20, line 10, after "18-2117.04," insert "58-703,".
- 25 4. Renumber the remaining sections accordingly.

**MOTION(S) - Place LB147 on General File**

Senator Groene offered his motion, MO93, found on page 1576, to place LB147 on General File pursuant to Rule 3, Sec. 20(b).

**SPEAKER SCHEER PRESIDING**

Pending.

**GENERAL FILE**

**LEGISLATIVE BILL 397.** Senator Chambers renewed his motion, MO75, found on page 1360, to bracket until June 6, 2019.

**PRESIDENT FOLEY PRESIDING**

Senator Chambers withdrew his motion to bracket.

Senator Briese offered his amendment, AM1828, found on page 1567.

The Briese amendment was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Senator Cavanaugh offered her amendment, AM1569, found on page 1366.

Senator Cavanaugh withdrew her amendment.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

#### **AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB657:  
AM1913

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 20. Section 2-958, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 2-958 (1) A noxious weed control fund may be established for each  
5 control authority, which fund shall be available for expenses authorized  
6 to be paid from such fund, including necessary expenses of the control  
7 authority in carrying out its duties and responsibilities under the  
8 Noxious Weed Control Act. The weed control superintendent within the  
9 county shall (a) ascertain and tabulate each year the approximate amount  
10 of land infested with noxious weeds and its location in the county, (b)  
11 ascertain and prepare all information required by the county board in the  
12 preparation of the county budget, including actual and expected revenue  
13 from all sources, cash balances, expenditures, amounts proposed to be  
14 expended during the year, and working capital, and (c) transmit such  
15 information tabulated by the control authority to the county board not  
16 later than June 1 of each year.

17 (2) The Noxious Weed Cash Fund is created. The fund shall consist of  
18 proceeds raised from fees imposed for the registration of pesticides and  
19 earmarked for the fund pursuant to section 2-2634, funds credited or  
20 transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants,  
21 or donations from any source, and any reimbursement funds for control  
22 work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount  
23 from the General Fund may be appropriated annually for the Noxious Weed  
24 Control Act. The fund shall be administered and used by the director to  
25 maintain the noxious weed control program and for expenses directly  
26 related to the program. Until January 1, 2020, the fund may also be used  
1 to defray all reasonable and necessary costs related to the  
2 implementation of the Nebraska Hemp Farming Act. The Department of  
3 Agriculture shall document all costs incurred for such purpose. The  
4 budget administrator of the budget division of the Department of  
5 Administrative Services may transfer a like amount from the Nebraska Hemp

6 Program Fund to the Noxious Weed Cash Fund no later than October 1, 2022.

7 (3) Any money in the fund available for investment shall be invested  
8 by the state investment officer pursuant to the Nebraska Capital  
9 Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 23. Sections 17, 18, and 19 of this act become operative on  
11 July 1, 2021. The other sections become operative on their effective  
12 date.

13 2. On page 1, line 1, after "amend" insert "section 2-958, Reissue  
14 Revised Statutes of Nebraska, and"; in line 3 after the semicolon insert  
15 "to provide a use for the Noxious Weed Cash Fund and provide for powers  
16 and duties;"; and in line 6 after the first semicolon insert "to provide  
17 operative dates;".

18 3. On page 2, line 17, strike "and" and insert the following new  
19 subdivision:

20 "(6) Facilitate interstate commerce by not impeding the shipment of  
21 hemp into and out of this state; and"; and in line 18 strike "(6)" and  
22 insert "(7)".

23 4. On page 5, line 16, after "cultivators" insert "and processor-  
24 handlers" and after "cultivated" insert ", processed, or handled"; and in  
25 line 18 after "act" insert ". The department may, at its discretion,  
26 conduct other inspections of a cultivator's or processor-handler's  
27 operation, including all sites registered with the department".

28 5. On page 12, line 8, after the period insert "Transfers from the  
29 fund to the Noxious Weed Cash Fund may be made as provided in section  
30 2-958."

31 6. On page 17, strike lines 9 through 19 and insert the following  
1 new subsections:

2 "(3) Any person other than a cultivator or processor-handler who is  
3 transporting hemp shall carry with such hemp being transported (a) a bill  
4 of lading indicating the owner of the hemp, the point of origin of the  
5 hemp, and the destination of the hemp and (b) either a copy of the test  
6 results pertaining to such hemp or other documentation affirming that the  
7 hemp was produced in compliance with section 10113 of the federal  
8 Agriculture Improvement Act of 2018, Public Law 115-334, as such section  
9 existed on January 1, 2019.

10 (4)(a) The department may develop a form bill of lading for use by a  
11 person other than a cultivator or processor-handler transporting hemp  
12 pursuant to subsection (3) of this section for hemp originating in this  
13 state. Such bill of lading shall, at a minimum, identify the transporting  
14 person and indicate the owner, point of origin, and destination of the  
15 hemp.

16 (b) The department, in consultation with the Nebraska State Patrol,  
17 may adopt and promulgate rules and regulations regulating the carrying or  
18 transporting of hemp in this state to ensure that marijuana or any other  
19 controlled substance is not disguised as hemp and carried or transported  
20 into, within, or through this state.

21 (c) No person shall carry or transport hemp in this state unless  
22 such hemp is:

23 (i) Produced in compliance with:

24 (A) For hemp originating in this state, the requirements of section  
 25 10113 of the federal Agriculture Improvement Act of 2018, Public Law  
 26 115-334, as such section existed on January 1, 2019, and the Nebraska  
 27 Hemp Farming Act and any rules and regulations adopted and promulgated  
 28 thereunder; or  
 29 (B) For hemp originating outside this state, the requirements of  
 30 section 10113 of the federal Agriculture Improvement Act of 2018, Public  
 31 Law 115-334, as such section existed on January 1, 2019; and  
 1 (ii) Carried or transported:  
 2 (A) By a cultivator or processor-handler as provided in subsections  
 3 (1) and (2) of this section; or  
 4 (B) By a person other than a cultivator or processor-handler as  
 5 provided in subsection (3) of this section.  
 6 (d) No person shall transport hemp in this state concurrently with  
 7 any other plant material that is not hemp.  
 8 (5)(a) A peace officer may detain any person carrying or  
 9 transporting hemp in this state if such person does not provide the  
 10 documentation required by this section. Unless the peace officer has  
 11 probable cause to believe the hemp is, or is being carried or transported  
 12 with, marijuana or any other controlled substance, the peace officer  
 13 shall immediately release the hemp and the person carrying or  
 14 transporting such hemp upon production of such documentation.  
 15 (b) The failure of a person detained as described in this subsection  
 16 to produce documentation required by this section shall constitute  
 17 probable cause to believe the hemp may be marijuana or any other  
 18 controlled substance. In such case, a peace officer may collect such hemp  
 19 for testing to determine the delta-9 tetrahydrocannabinol concentration  
 20 in the hemp, and, if the peace officer has probable cause to believe the  
 21 person detained is carrying or transporting marijuana or any other  
 22 controlled substance in violation of state or federal law, the peace  
 23 officer may seize and impound the hemp or marijuana or other controlled  
 24 substance and arrest such person.  
 25 (c) This subsection does not limit or restrict in any way the power  
 26 of a peace officer to enforce violations of the Uniform Controlled  
 27 Substances Act and federal law regulating marijuana and other controlled  
 28 substances.  
 29 (6) In addition to any other penalties provided by law, including  
 30 those imposed under the Nebraska Hemp Farming Act, any person who  
 31 intentionally violates this section shall be guilty of a Class IV  
 1 misdemeanor and fined not more than one thousand dollars."  
 2 7. Renumber the remaining sections and correct the repealer  
 3 accordingly.

Senator Linehan filed the following amendment to LB288:  
 AM1929

(Amendments to Standing Committee amendments, AM1594)

- 1 1. On page 5, line 16, strike "2019" and insert "2021"; and strike
- 2 lines 24 through 31.
- 3 2. On page 6, strike lines 1 through 11; in line 12 strike "(c)" and

4 insert "(b)"; and in line 13 strike "2020" and insert "2021".  
 5 3. On page 7, line 26, strike "2020" and insert "2021"; and in line  
 6 31 strike "2020" and insert "2021" and strike "2021" and insert "2022".  
 7 4. On page 8, line 5, strike "2021" and insert "2022" and strike  
 8 "2022" and insert "2023"; in line 10 strike "2022" and insert "2023" and  
 9 strike "2023" and insert "2024"; and in line 15 strike "2023" and insert  
 10 "2024".

### COMMITTEE REPORT(S)

#### General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

George Morrissey - State Electrical Board

Aye: 7 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser. Nay: 0. Absent: 1 Wayne. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Susan Lutz - Nebraska Commission on Problem Gambling

Aye: 7 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser. Nay: 0. Absent: 1 Wayne. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Amy Haddad - Nebraska Arts Council  
 Walter Seiler - Nebraska Arts Council

Aye: 7 Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser. Nay: 0. Absent: 1 Wayne. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 184.** Introduced by Quick, 35; Howard, 9; Walz, 15.

**PURPOSE:** The purpose of this interim study is to examine how to provide a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core

responsibilities and functions as set forth in statute. The study shall include, but not be limited to, the following:

- (1) The history of the formation and funding of local public health departments;
- (2) An examination of current and future public health threats;
- (3) An examination of health care cost-containment strategies that can slow the growth of overall health care spending by instituting strategic chronic disease management programs and prevention strategies;
- (4) A review of public health readiness programs, current public health detection programs, and disease prevention efforts;
- (5) A review of the core public health functions and essential elements set forth in section 71-1628.04 and the necessary revenue streams available to local public health departments to fulfill core public health functions;
- (6) Identification of additional health-related funding streams that have a nexus with core public health functions; and
- (7) A strategic plan for investments in local public health departments to properly equip them to respond to a critical public health crisis within their community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 185.** Introduced by Crawford, 45; Blood, 3.

WHEREAS, Bellevue became home to Nebraska's first school system in 1833, founded by Baptist missionaries, Moses Merrill and his wife Eliza Wilcox Merrill; and

WHEREAS, Bellevue's first public school, known as Bellevue School District #1, renamed Main School in 1911, was constructed in 1869 on the site of what is now Mission Middle School; and

WHEREAS, the Main School site served as an elementary, junior high, and high school until 1966 when its name was changed to Mission; and

WHEREAS, Bellevue has operated a school on the site of the Mission Middle School from 1869 through 2019; and

WHEREAS, Mission Middle School is a "Community of Learners Achieving Success Safely", shaping the future through engagement, innovation, and a culture of belonging; and

WHEREAS, Mission Middle School has educated thousands of students, including multiple generations of Bellevue families who have lived, worked, and prospered in the Bellevue community; and

WHEREAS, Mission Middle School, Bellevue Public Schools, the community of Bellevue, and the State of Nebraska are celebrating the 150th year of education at this site with events involving students, alumni, and the community during the month of August in 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Mission Middle School's 150th anniversary.
2. That a copy of this resolution be sent to Mission Middle School.

Laid over.

**LEGISLATIVE RESOLUTION 186.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this interim study is to examine the potential elimination of exemptions for goods and services under sales and use tax laws. The study shall identify and evaluate:

- (1) The relative tax burdens of property taxes, income taxes, and sales taxes by income level and geographic location in the state;
- (2) Sales tax exemptions for which there is an identifiable tax expenditure;
- (3) Sales tax exemption categories that are important to avoid double taxation of inputs, such as exemptions for business and production inputs, as well as exemptions for the trade-in value of personal property in new sales;
- (4) Sales tax exemption categories that are important to retain a competitive position with the six states bordering Nebraska and with the Midwest region;
- (5) Sales tax exemption categories that are strategically important to our state economy including retention of highly mobile businesses that can relocate easily;
- (6) Transactions that involve small businesses or a small number of sales where the compliance burdens are potentially excessive in relation to the tax collected;
- (7) Historical trends and shifts in the state, regional, and national economies with respect to the sale of goods and services; and
- (8) Structural tax reforms appropriate for modernizing the state tax system in the changing global economy while promoting state competitiveness and growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 187.** Introduced by Lowe, 37; Brewer, 43.

**PURPOSE:** The purpose of this study is to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies. The people of this state expect that their government will efficiently provide services and will responsibly and effectively spend tax dollars. With the great fiscal challenges facing the state, these expectations and challenges require occasional review of the ways state agencies conduct business.

An efficiency review means a study to identify:

- (1) Areas of state agency operations that can be improved to make the delivery of services more cost-effective;
- (2) Outdated practices that can be eliminated;
- (3) Increased statewide efficiencies;
- (4) Potential new sources of nontax funding; and
- (5) Methods to make state agencies more accountable to the people of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 188.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to review the policy of operating trains of increasing length and the effects on worker safety and on the operations of businesses near railroad crossings. The issues addressed by this interim study shall include, but not be limited to:

- (1) The safety of rail workers and the general public;
- (2) Whether the size and contents of the load of the train matters for the safety of operating trains of greater lengths; and
- (3) The effects of longer trains on businesses located near crossings that could adversely impact customers, and whether operating with a crew of less than two persons impacts such delays.

The interim study shall seek input from affected stakeholders, including rail worker labor unions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 189.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the effectiveness of 24/7 sobriety programs and determine potential standards for statewide implementation. The study committee shall consider testimony received on Legislative Bill 335, One Hundred Sixth Legislature, First Session, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 190.** Introduced by Quick, 35; McDonnell, 5; Walz, 15.

PURPOSE: The purpose of this interim study is to examine Nebraska's history of involvement in the Midwest Interstate Passenger Rail Compact. The Midwest Interstate Passenger Rail Compact brings together nine states to coordinate and advocate for development and implementation of improvements to intercity passenger rail service in the midwest.

This interim study shall include, but not be limited to, an examination of:

(1) Legislation introduced and enacted regarding the Midwest Interstate Passenger Rail Compact in Nebraska;

(2) The history of involvement in the Midwest Interstate Passenger Rail Compact;

(3) Advantages of participation to member states and the region; and

(4) Action needed by the Legislature to reenter the Midwest Interstate Passenger Rail Compact, including the passage of Legislative Bill 401 of the One Hundred Sixth Legislature, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 191.** Introduced by Arch, 14.

**PURPOSE:** The purpose of this resolution is to study and evaluate the potential use of Physician Orders for Life-Sustaining Treatment (POLST) and the potential use of out-of-hospital Do Not Resuscitate (DNR) protocols.

POLST are used to convert patients' medical treatment preferences into medical orders. It is completed based upon conversations among health care professionals with the patient, or with a designated proxy decision maker if identified in an advance medical directive. One of the main components of POLST is the development and use of a standardized form that provides specific medical treatment orders for cardiopulmonary resuscitation, medical intervention, artificial nutrition, and antibiotics. The standard form is designed to transfer across treatment settings so it is readily available to medical personnel, including emergency medical technicians, emergency physicians and nurses, and nursing facility staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 192.** Introduced by Bolz, 29; Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to examine workforce development initiatives with emphasis on hearing the perspectives of employees across industries. Studies, including the Legislature's "Economic Development Task Force Report", the Department of Economic Development's "Nebraska's Next Economy Report", and Accelerate Nebraska's "Nebraska Statewide Story", identify the need for additional skilled workers. Long-term industry projections indicate that employment in all industries is expected to grow statewide, specifically in health care, social services, professional, scientific, and technical services industries.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Nationwide best practices for promoting career training leading to workforce development for high-quality jobs;
- (2) Innovative processes and programs for workforce training opportunities and educational programs established and fostered in other states;
- (3) What is needed to produce individuals with career-ready skills for skilled jobs;
- (4) Opportunities to meet the needs of Nebraska's workforce;
- (5) Barriers faced by underrepresented communities, underemployed workers, young workers, and returning workers who are needed as a part of the solution to our workforce challenges; and
- (6) Opportunities for public and private partnership and investment, such as job training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 193.** Introduced by Bolz, 29.

**PURPOSE:** The purpose of this interim study is to assess implementation of the federal Family First Prevention Services Act in Nebraska and identify opportunities for children and families in Nebraska. The Family First Prevention Services Act is a historic federal law that permits states the option to use federal Title IV-E funding for prevention services, including mental health and substance abuse treatment, for children at imminent risk of entering foster care and their parents or kin caregivers and for pregnant and parenting youth. The interim study shall include, but not be limited to, a review of:

- (1) Opportunities to maximize federal funding;
- (2) Best practices for implementing prevention services, specifically evidence-based services;
- (3) Strategies for appropriate oversight of child welfare services, including prevention services;
- (4) Kinship navigator programs to assist families accessing services and supports leading to family success; and
- (5) The adequacy of provider networks for prevention services and supports.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 194.** Introduced by Hilgers, 21.

PURPOSE: The purpose of this interim study is to examine the benefits of employee stock ownership programs and strategies to promote the implementation of such programs. The issues addressed by this interim study shall include, but not be limited to:

(1) Tax and finance questions raised by employee stock ownership programs, including bank financing and accessibility;

(2) Legislation passed at the federal and state level to foster such programs;

(3) The benefits of such programs for companies, employees, and the economy;

(4) The number of such programs in the state and the effects of the programs on their companies and communities, including workforce satisfaction and productivity; and

(5) The ability of employee-owned companies to remain in their local communities and to retain workers during an economic downturn.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 195.** Introduced by Hilgers, 21.

WHEREAS, Diffuse Intrinsic Pontine Glioma (DIPG) affects between 200 and 400 children in the United States each year; and

WHEREAS, brain tumors are the leading cause of cancer-related deaths in children; and

WHEREAS, DIPG is the second most common malignant brain tumor found in children and the leading cause of childhood death due to brain tumors; and

WHEREAS, the prognosis has not improved for children with DIPG in more than 35 years, but new medical technology and research are offering hope for treatments for children afflicted with this disease; and

WHEREAS, May 17, 2019, has been declared Diffuse Intrinsic Pontine Glioma Awareness Day to increase public awareness of this deadly childhood cancer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes May 17, 2019, as Diffuse Intrinsic Pontine Glioma Awareness Day.
2. That the Legislature encourages the residents of Nebraska to learn about DIPG and support DIPG research.

Laid over.

**LEGISLATIVE RESOLUTION 196.** Introduced by Vargas, 7.

WHEREAS, the Omaha South High Magnet School boys' soccer team, under the leadership of Coach Joe Maass, won the 2019 Class A Boys State Soccer Championship; and

WHEREAS, the Omaha South Packers defeated the Creighton Prep Junior Jays in a 2-1 shootout; and

WHEREAS, Omaha South senior, Jeramiah Gonzales, stopped three attempts and watched another attempt sail over the net to keep Creighton Prep from scoring in four of five rounds in the shootout; and

WHEREAS, Omaha South has won three of the last seven Class A Boys State Soccer Championships; and

WHEREAS, Omaha South freshman, Edwin Cisneros-Garcia, scored the tying goal with less than five minutes remaining to force overtime; and

WHEREAS, the Legislature recognizes the hard work and dedication of the student-athletes, coaches, and parents of the Omaha South Packers boys' soccer team; and

WHEREAS, the Legislature recognizes the time and effort of Omaha South Principal Ruben Cano and athletic director Dennis Mitchell; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha South boys' soccer team and Coach Joe Maass on winning the 2019 Class A Boys State Soccer Championship.
2. That a copy of this resolution be sent to Omaha South High Magnet School and Coach Joe Maass.

Laid over.

**LEGISLATIVE RESOLUTION 197.** Introduced by Vargas, 7; Lathrop, 12.

**PURPOSE:** The purpose of this resolution is to conduct a comprehensive study of due process for inmates in restrictive housing and to make recommendations to support and improve due process for such population in Nebraska. The study shall include, but not be limited to, an examination of the following:

- (1) Best practices regarding due process for inmates in restrictive housing;
- (2) The length of time between when an inmate is placed in immediate segregation and when a determination is made regarding whether or not such inmate is to remain in long-term restrictive housing;
- (3) The best system for due process in such circumstances, including examining the appropriate jurisdiction to hear such due process cases;
- (4) The definition of restrictive housing;
- (5) The definition of general population;
- (6) The amount of structured and unstructured out-of-cell time an inmate is allowed, including the possibility of requirements that inmates placed on restrictive housing from fifteen days up to six months be allowed two hours of out-of-cell time, inmates placed on restrictive housing from six months to twelve months be allowed four hours of out-of-cell time, and after twelve months on restrictive housing, an inmate be allowed six hours of out-of-cell time each day;
- (7) The rate at which minority populations are placed in restrictive housing compared to other populations;
- (8) The extent to which restrictive housing is achieving the goal of rehabilitation;
- (9) Best practices to train corrections staff to work with the population in restrictive housing; and
- (10) The programming available for inmates in restrictive housing.

The study committee shall seek input from interested stakeholders, including the Department of Corrections.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 198.** Introduced by Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine the implementation of a statewide registry for Alzheimer's disease and related

dementias. The registry should collect and disseminate usable data to inform the development of public policy, programs, and services related to the aging population, identify epidemiological trends, and provide nonidentifying data to support research on Alzheimer's disease and related disorders. The Nebraska State Plan for Alzheimer's and Related Dementias identified the establishment of an Alzheimer's disease and related dementia registry as one of 31 recommended actions.

The study shall include, but not be limited to, examination of:

- (1) The costs associated with implementation and federal funding opportunities through the Centers for Disease Control and Prevention, National Institute on Aging, and other sources;
- (2) Opportunities for public and private partnership in the recording of data and dissemination of information;
- (3) The development and maintenance of a secure data system capable of accurate and secure collection and storage of health information pertaining to Alzheimer's disease and related dementias;
- (4) Methods for safeguarding the confidentiality of health information contained in the registry;
- (5) The methods for case identification and the core data elements to be collected for cases of Alzheimer's disease and related dementias;
- (6) Methods for raising public awareness of and participation in a registry for Alzheimer's disease and related dementias; and
- (7) The best methods for transmitting the collected information to health departments, research institutions, health systems, and the public in a timely and appropriate manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 436.** Placed on General File with amendment.  
AM1601

1 1. Strike the original sections and insert the following new  
2 sections:

3 Section 1. (1) The Legislature gives the Nebraska State Data Center  
4 program the authority to form Nebraska's official Complete Count  
5 Committee on behalf of the State of Nebraska.

6 (2) The program may solicit and spend private funds to carry out the  
7 duties of the committee.

8 (3) This section terminates on January 1, 2021.

9 Sec. 2. Since an emergency exists, this act takes effect when passed  
10 and approved according to law.

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Sharon Rues - State Personnel Board  
Christopher Waddle - State Personnel Board

Aye: 8 Blood, Brewer, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Roger L. Jasnoch - Nebraska Tourism Commission  
Starr Lehl - Nebraska Tourism Commission  
Debra Nelson-Loseke - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 300.** With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2018; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Albrecht	Clements	Hansen, B.	La Grone	Quick
Arch	Crawford	Hansen, M.	Lathrop	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bostelman	Dorn	Hilkemann	Lowe	Vargas
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Hunt	Moser	Wishart
Cavanaugh	Groene	Kolowski	Murman	
Chambers	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 4:

Bolz	Erdman	Lindstrom	Morfeld
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Excused and not voting, 2:

Stinner	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 300A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lathrop	Quick
Blood	DeBoer	Hilgers	Linehan	Scheer
Bostelman	Dorn	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Vargas
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Williams
Cavanaugh	Groene	Kolowski	Moser	Wishart
Chambers	Halloran	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Bolz            Erdman            Lindstrom

Excused and not voting, 2:

Stinner            Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB460 to Select File**

Senator Howard moved to return LB460 to Select File for the following specific amendment:

AM1891

(Amendments to Final Reading copy)

- 1 1. On page 11, strike lines 10 through 20 and insert the following
- 2 new subsection:
- 3 "(2) An individual eighteen years of age or older working in a
- 4 residential child-caring agency shall also submit to the following
- 5 background checks not less than once during each five-year period: A
- 6 search of the following registries, repositories, or data bases in the
- 7 state where the individual resides and each state where the individual
- 8 resided during the preceding five years:
- 9 (a) State criminal registries or repositories;
- 10 (b) State sex offender registries or repositories; and
- 11 (c) State-based child abuse and neglect registries and data bases."

The Howard motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 460.** The Howard specific amendment, AM1891, found in this day's Journal, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILL ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB675 with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 675.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 77-3446, 79-515, 79-807, 79-1110, 79-1113, 79-1115, 79-1115.01, 79-1117, 79-1119, 79-1119.01, 79-1124, 79-1125.01, 79-1126, 79-1127, 79-1128, 79-1129, 79-1130, 79-1132, 79-1135, 79-1136, 79-1138, 79-1139, 79-1142, 79-1145, 79-1147, 79-1148, 79-1149, 79-1154, 79-1155, 79-1156, 79-1157, 79-1158, 79-1159, 79-1159.01, 79-1160, 79-1161, 79-1162, 79-1163, 79-1164, 79-1167, 79-1302, 79-1304, 79-2202, 83-121, and 83-1225, Reissue Revised Statutes of Nebraska, sections 79-318, 79-1003, 79-1005.01, 79-1007.07, 79-1007.09, 79-1008.01, 79-1017.01, and 79-1144, Revised Statutes Cumulative Supplement, 2018, and section 79-1022, Revised Statutes Cumulative Supplement, 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth Legislature, First Session, 2019; to change the base limitation for school districts; to change the authorized length for specified contracts; to change basic skills competency requirements as prescribed; to define and redefine terms; to change provisions of the Tax Equity and Educational Opportunities Support Act; to clarify state aid calculations; to change provisions relating to the certification and distribution of state aid; to change provisions of the Special Education Act as prescribed; to eliminate obsolete provisions relating to special education; to adopt updated federal laws and regulations; to change grant provisions as prescribed; to change duties as prescribed; to change distance education and technology terminology; to eliminate a reporting requirement, expired state aid provisions, residential care placement requirements, special education waiver provisions, an outdated duty regarding the Education Innovation Fund, and funding provisions for the Interstate Compact on Educational Opportunity for Military Children; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-527, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-1028.03, 79-1152, 79-1153, 79-1188, and 79-2206, Reissue Revised Statutes of Nebraska, and section 79-1008.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 300, 300A, and 675.

#### **SELECT FILE**

**LEGISLATIVE BILL 492.** ER111, found on page 1508, was adopted.

Senator La Grone requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 7 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 592.** ER124, found on page 1595, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 323.** ER85, found on page 1197, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 323A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 481.** Title read. Considered.

Committee AM1815, found on page 1561, was offered.

Senator Bolz moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Senator Bolz requested a roll call vote on the committee amendment.

Voting in the affirmative, 23:

Bolz	DeBoer	Kolterman	Morfeld	Wayne
Brandt	Dorn	Lathrop	Pansing Brooks	Williams
Brewer	Groene	Lindstrom	Scheer	Wishart
Cavanaugh	Hilkemann	McCollister	Vargas	
Crawford	Kolowski	McDonnell	Walz	

Voting in the negative, 15:

Albrecht	Friesen	Halloran	Hughes	Moser
Chambers	Geist	Hansen, B.	Hunt	Murman
Erdman	Gragert	Howard	Lowe	Slama

Present and not voting, 10:

Arch	Bostelman	Clements	Hilgers	Linehan
Blood	Briese	Hansen, M.	La Grone	Quick

Excused and not voting, 1:

Stinner

The committee amendment lost with 23 ayes, 15 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen offered the following motion:

MO99

Reconsider the vote taken on AM1815.

The M. Hansen motion to reconsider prevailed with 26 ayes, 7 nays, and 16 present and not voting.

Committee AM1815, found on page 1561, was reconsidered.

The committee amendment was adopted with 26 ayes, 7 nays, and 16 present and not voting.

Senator Bolz withdrew her amendment, AM614, found on page 738.

Senator Stinner withdrew his amendment, AM1125, found on page 1031.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, and 16 present and not voting.

**LEGISLATIVE BILL 481A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, and 16 present and not voting.

**LEGISLATIVE BILL 593.** Senator Wayne withdrew his motion, MO41, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM996, found on page 1521, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 present and not voting.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2019, at 4:00 p.m. were the following: LBs 300e, 300Ae, and 675e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

#### **MESSAGE(S) FROM THE GOVERNOR**

May 21, 2019

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

This letter is to inform you that the request for confirmation of the appointment of Trent D. Kleinow as a member of the State Emergency Response Commission is respectfully withdrawn.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 199.** Introduced by DeBoer, 10; Hilgers, 21; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine Nebraska's redistricting process. The interim study shall include, but not be limited to:

(1) A review of the federal and state constitutional and statutory provisions relating to reapportionment and redistricting;

(2) A review of applicable United States Supreme Court and Nebraska Supreme Court decisions relating to redistricting;

(3) A review of the redistricting process used in Nebraska in 1991, 2001, and 2011. The review shall include an in-depth examination of the (a) substantive, administrative, and procedural guidelines used during each of those decades, including the redistricting criteria used during each of those decades, (b) computer software used and the process of creating and merging databases with such software, (c) the role of staff in the process during those previous decades, (d) process timeline, (e) legal challenges, if any, (f) public confidence in the redistricting process, and (g) all other issues necessary to understand the redistricting process;

(4) An examination of the redistricting processes used in other states including, but not limited to, (a) best practices for apportioning districts between changing rural and urban populations, (b) demographic criteria considered in the redistricting process, (c) the role of staff or non-legislative personnel in the process, and (d) public confidence in the redistricting process in other states; and

(5) Any recommendations for the 2021 redistricting process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 200.** Introduced by Quick, 35; Howard, 9; Lathrop, 12; McDonnell, 5; Pansing Brooks, 28; Walz, 15; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine programming provided at the Youth Rehabilitation and Treatment Center-Geneva and the Youth Rehabilitation and Treatment Center-Kearney and the needs for

additional programming. The interim study shall include, but not be limited to, an examination of the following:

- (1) Staff-to-youth ratios at each center;
- (2) Programming available to youth at each center including the use of evidence-based programming;
- (3) Mental health treatment options and programming available for youth in each center;
- (4) The effectiveness of reentry planning and transition supports and services provided to youth exiting the centers;
- (5) Educational programming available and provided to the youth at each center; and
- (6) Potential statutory and regulatory changes necessary to best support the staff and youth at the treatment centers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 201.** Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to examine the role truancy plays in the school-to-prison pipeline and explore possible alternatives to reduce truancy and ensure students are educationally successful. The study shall include, but not be limited to, an examination of the following:

- (1) State policy and services regarding truancy;
- (2) National best practices relating to truancy;
- (3) Exploring pathways, such as alternative programs, that could be available for youth;
- (4) Factors that contribute to youth truancy;
- (5) Best practices in assessing the risks and needs of youth and implementing policies that reflect the desire to help youth succeed;
- (6) The extent to which truancy contributes to the school-to-prison pipeline; and
- (7) Other issues pertinent to truant students.

The interim study shall seek input from interested stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 202.** Introduced by McCollister, 20; Bolz, 29; Briese, 41; Crawford, 45; Friesen, 34; Hansen, M., 26; Kolterman, 24; Lathrop, 12; Vargas, 7; Wayne, 13; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine the use and administration of the Nebraska affordable housing tax credit and ensure it is being fully utilized to leverage available federal funding and maximize the development of workforce housing in Nebraska.

The issues to be investigated by this interim study shall include, but not be limited to:

(1) The feasibility of workforce housing projects funded by four-percent low-income housing tax credits and bonds in the State of Nebraska;

(2) The flexibility of the Nebraska affordable housing tax credit to provide gap financing to four-percent low-income housing tax credit and bond projects and legislative or administrative changes required to expand such opportunities; and

(3) An examination of other states and their affordable housing tax credit programs, including how they leverage state credits to maximize federal low-income housing tax credits and the development of workforce housing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 203.** Introduced by Bostelman, 23; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilke, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, during March, 2019, the region experienced a powerful bomb cyclone with a rare combination of extreme rain and snow causing flooding and blizzard conditions throughout the state; and

WHEREAS, this natural disaster caused significant loss of life, homes, businesses, and livestock, causing damages in excess of two billion dollars; and

WHEREAS, on March 12th Governor Ricketts declared a state of emergency for Nebraska and on March 21st President Trump approved a disaster declaration for the state enabling federal assistance; and

WHEREAS, Nebraskans have shown tremendous resiliency in the wake of this natural disaster; and

WHEREAS, many individuals, non-profits, and businesses across the state joined in with rescue operations, recovery, and fundraising; and

WHEREAS, many Nebraskans and the Federal Emergency Management Agency assisted in flood relief, including the Nebraska Emergency Management Agency, emergency managers, the Nebraska National Guard, fire and rescue crews, law enforcement, volunteers, medical staff, local contractors, neighbors, friends, and countless others who took part in the disaster response and recovery relief efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature thanks the Federal Emergency Management Agency, the Nebraska Emergency Management Agency, and the emergency managers for their outstanding leadership and support during the flooding and recovery.

2. That the Legislature recognizes first responders, law enforcement personnel, the Nebraska National Guard, public power, the Department of Transportation, and the local businesses, churches, organizations, and countless volunteers for all their efforts during the flooding and recovery.

3. That the Legislature recognizes the extraordinary contributions by fellow Nebraska residents and residents of other states who selflessly gave of their own time and resources to assist their neighbors in need during this disaster.

4. That copies of this resolution be sent to the Federal Emergency Management Agency and the Nebraska Emergency Management Agency.

Laid over.

**LEGISLATIVE RESOLUTION 204.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 205.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine issues related to child custody proceedings and parenting time determinations for families of divorce. The issues addressed by this interim study shall include, but not be limited to:

- (1) How custody and parenting time decisions affect outcomes for children; and
- (2) Ways to better promote custody or parenting plans that reflect contemporary views on parenthood and child-rearing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 206.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine options for the elimination of cash bail, appearance bonds, and related provisions, and examine risk assessment tools for pretrial release, post-conviction custody, and supervision status determinations. The issues addressed by this interim study shall include, but not be limited to:

- (1) Available assessment tools to determine the risk that a defendant awaiting trial will fail to appear or presents an ongoing threat to the community, or the risk that a person convicted of a crime will reoffend;
- (2) Whether the state could improve efficiency and efficacy of risk assessments by reducing the number of tools it uses;
- (3) How elimination of cash bail would impact county jail populations; and
- (4) How the judicial branch, state agencies, and local governments could accommodate elimination of cash bail, including required administrative support, supervision, and potential fiscal impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 207.** Introduced by Briese, 41.

**PURPOSE:** The purpose of this resolution is to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws. The study shall include, but not be limited to, identifying and evaluating:

(1) Criteria to consider when evaluating the feasibility of eliminating specific exemptions and exclusions;

(2) How other states treat goods and services in their sales and use tax base, and specifically, the six states bordering Nebraska;

(3) The tax expenditures associated with specific Nebraska sales and use tax exemptions and exclusions;

(4) Historical trends and shifts in the economies of goods and services; and

(5) Nebraska's current tax structure relative to its reliance on income, sales and use, and property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 208.** Introduced by Pansing Brooks, 28; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Dorn, 30; Friesen, 34; Geist, 25; Gragert, 40; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Murman, 38; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine state and school district policies that relate to maintaining a safe and positive school learning environment.

The issues addressed by this interim study shall include, but not be limited to:

(1) Best practices for school personnel to address disruptions in the classroom;

- (2) Best practices for school personnel to intervene during student conflict and physical altercations;
- (3) Best practices for the State Department of Education and school districts to adopt and implement that support and maintain safe and positive school learning environments;
- (4) Best practices for training school personnel to support and maintain safe and positive school learning environments, including conflict de-escalation and interventions; and
- (5) Mental and behavioral health support and resources available in schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 209.** Introduced by Bolz, 29; Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study state and federal funding options for existing and potential research by the University of Nebraska on local, state, and global water management systems, water quality, water sustainability technology and infrastructure, and sustainable production agriculture.

The interim study shall include, but not be limited to, an examination of the following:

- (1) State and federal research by the University of Nebraska on Nebraska's water management systems with corresponding historical appropriations;
- (2) State and federal research by the University of Nebraska on Nebraska's water quality and health impacts with corresponding historical appropriations;
- (3) State and federal research by the University of Nebraska on water sustainability technology and infrastructure with corresponding historical appropriations;
- (4) Best practices, model initiatives, and funding mechanisms that seek to increase state and federal funding to academic research on water sustainability, technology, and quality;
- (5) Past state appropriations and initiatives that expanded research capabilities at the University of Nebraska in water sustainability, water quality, water management systems, and sustainable production agriculture; and
- (6) Opportunities to align or improve systems supporting Nebraska's university-led research and commercialization.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### SELECT FILE

**LEGISLATIVE BILL 511.** ER56, found on page 956, was adopted.

Senator Brewer withdrew his amendment, AM1113, found on page 1160.

Senator B. Hansen offered his amendment, AM1843, found on page 1575.

The B. Hansen amendment was adopted with 35 ayes, 1 nay, and 13 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 334.** ER72, found on page 1157, was adopted.

Senator Linehan offered her amendment, AM1283, found on page 1350.

The Linehan amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 334A.** Senator Linehan offered her amendment, AM1281, found on page 1352.

The Linehan amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 468.** ER96, found on page 1342, was adopted.

Senator Bolz offered her amendment, AM1678, found on page 1513.

The Bolz amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Crawford offered the following amendment:

AM1855

(Amendments to Standing Committee amendments, AM1166)

1 1. Insert the following new sections:

2 Sec. 8. The Department of Health and Human Services shall notify the  
3 chairperson and members of the Health and Human Services Committee of the  
4 Legislature prior to submitting any request or application to the Centers  
5 for Medicare and Medicaid Services of the United States Department of  
6 Health and Human Services for a demonstration project waiver under  
7 section 1115 of the Social Security Act, 42 U.S.C. 1315. Such  
8 notification shall be made electronically and shall include a copy of any  
9 documentation presented to the public related to the waiver. The Health  
10 and Human Services Committee of the Legislature shall hold a public  
11 hearing on such waiver application during the period for public comment  
12 required under 42 C.F.R. 431.408.

13 Sec. 9. The Department of Insurance shall notify the chairperson and  
14 members of the Banking, Commerce and Insurance Committee of the  
15 Legislature prior to submitting any request or application to the Centers  
16 for Medicare and Medicaid Services of the United States Department of  
17 Health and Human Services for a state innovation waiver under section  
18 1332 of the federal Patient Protection and Affordable Care Act. Such  
19 notification shall be made electronically and shall include a copy of the  
20 application for the federal waiver. The Banking, Commerce and Insurance  
21 Committee of the Legislature shall hold a public hearing on such waiver  
22 application.

23 2. Renumber the remaining sections accordingly.

The Crawford amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 686.** ER125, found on page 1594, was adopted.

Senator Lathrop offered the following amendment:

AM1902 is available in the Bill Room.

The Lathrop amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 686A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690.** ER112, found on page 1509, was adopted.

Senator Cavanaugh offered the following amendment:

AM1919

(Amendments to Standing Committee amendments, AM1488)

1 1. On page 4, after line 2 insert the following new subsection:

2 "(4) If a prisoner or detainee known to be pregnant is transported  
3 to a medical facility or birthing center and restraints are used, the  
4 administrator of the detention facility shall inform the relevant staff  
5 at the medical facility or birthing center of the risks and dangers of  
6 removing the restraints from the specific prisoner or detainee."; and in  
7 line 3 strike "(4)" and insert "(5)".

The Cavanaugh amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 512.** ER76, found on page 1157, was adopted.

Senator Erdman offered his amendment, AM1755, found on page 1529.

The Erdman amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 610.** ER90, found on page 1258, was adopted.

Senator Wishart withdrew her amendment, AM1554, found on page 1380.

Senator Wishart offered her amendment, AM1771, found on page 1525.

The Wishart amendment was adopted with 45 ayes, 0 nays, and 4 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 610A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 433.** ER100, found on page 1343, was offered.

ER100 was adopted.

Senator M. Hansen offered his amendment, AM1729, found on page 1467.

The M. Hansen amendment was adopted with 43 ayes, 1 nay, and 5 present

and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 470.** ER102, found on page 1354, was offered.

ER102 was adopted.

Senator La Grone withdrew his amendment, AM1849, found on page 1576.

Senator La Grone offered the following amendment:  
AM1932

(Amendments to AM1461)

1 1. Strike section 13 and insert the following new sections:

2 Sec. 5. Section 77-3,110, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-3,110 (1) All funds received pursuant to sections 77-3,109 and  
5 77-3,118 shall be remitted to the State Treasurer for credit to the  
6 Department of Revenue Miscellaneous Receipts Fund which is hereby  
7 created.

8 (2) On or before July 15, 2019, the State Treasurer shall transfer  
9 fifty-nine thousand one hundred eighty-eight dollars from the College  
10 Savings Plan Expense Fund to the Department of Revenue Miscellaneous  
11 Receipts Fund.

12 (3) All money in the Department of Revenue Miscellaneous Receipts  
13 Fund ~~fund~~ shall be administered by the Department of Revenue and shall be  
14 used as follows:

15 (a) Any money transferred to the fund under subsection (2) of this  
16 section shall be used by the Department of Revenue to defray the costs  
17 incurred to implement this legislative bill; and

18 (b) All other funds shall be used to defray the cost of production  
19 of the publications listed in section 77-3,109 or of the listings  
20 described in section 77-3,118 and to carry out any administrative  
21 responsibilities of the department.

22 (2) Transfers, ~~except that transfers~~ may be made from the fund to  
23 the General Fund at the direction of the Legislature. Any money in the  
24 Department of Revenue Miscellaneous Receipts Fund available for  
25 investment shall be invested by the state investment officer pursuant to  
26 the Nebraska Capital Expansion Act and the Nebraska State Funds  
1 Investment Act.

2 Sec. 14. Sections 8, 10, 11, 12, and 16 of this act become  
3 operative on January 1, 2020. The other sections of this act become  
4 operative on their effective date.

5 Sec. 17. Since an emergency exists, this act takes effect when  
6 passed and approved according to law.

7 2. On page 16, line 21, strike the new matter and reinstate the  
8 stricken matter.

9 3. On page 17, strike lines 4 through 11 and insert the following  
10 new subdivision:

11 "(c) For taxable years beginning or deemed to begin on or after  
 12 January 1, 2020, under the Internal Revenue Code of 1986, as amended,  
 13 federal adjusted gross income shall be reduced, to the extent included in  
 14 the adjusted gross income of an individual, by the amount of any  
 15 contribution made by the individual's employer into an account under the  
 16 Nebraska educational savings plan trust owned by the individual, not to  
 17 exceed five thousand dollars per married filing separate return or ten  
 18 thousand dollars for any other return."  
 19 4. On page 24, line 9, after "Fund" insert "and the Department of  
 20 Revenue Miscellaneous Receipts Fund".  
 21 5. On page 26, line 21, after "77-202," insert "77-3,110".  
 22 6. Renumber the remaining sections accordingly.

The La Grone amendment was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 470A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 583.** ER103, found on page 1366, was adopted.

Senator Bolz withdrew her amendment, AM1454, found on page 1477.

Senator Bostelman offered his amendment, AM1556, found on page 1560.

The Bostelman amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 149.** ER104, found on page 1400, was adopted.

Senator Quick offered his amendment, AM1679, found on page 1472.

Senator Quick moved for a call of the house. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Senator Quick requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Albrecht	Cavanaugh	Hunt	Morfeld	Stinner
Bolz	Crawford	Kolowski	Moser	Walz
Bostelman	DeBoer	Kolterman	Murman	Williams
Brandt	Hansen, M.	Lathrop	Pansing Brooks	
Briese	Howard	McCollister	Quick	

Voting in the negative, 4:

Groene          La Grone          Scheer          Slama

Present and not voting, 20:

Arch	Clements	Gragert	Hilkemann	McDonnell
Blood	Dorn	Halloran	Lindstrom	Vargas
Brewer	Erdman	Hansen, B.	Linehan	Wayne
Chambers	Geist	Hilgers	Lowe	Wishart

Excused and not voting, 2:

Friesen          Hughes

The Quick amendment lost with 23 ayes, 4 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **SPEAKER SCHEER PRESIDING**

Senator M. Hansen offered the following amendment:

AM965

(Amendments to Standing Committee amendments, AM901)

- 1 1. On page 7, line 9, after "sections" insert "28-1419", reinstate
- 2 the stricken comma, and strike "or"; and in line 10 strike the new matter
- 3 and reinstate the stricken matter.
- 4 2. On page 8, lines 15 and 17, after "tobacco" insert "and
- 5 electronic nicotine delivery systems".

### **PRESIDENT FOLEY PRESIDING**

The M. Hansen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 210.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study and analyze programs and agencies that are active in addressing workforce and talent shortages and identify options for increasing postsecondary degrees and credentials to assist in filling vacant high-wage, high-demand, high-skill jobs.

The study will include, but is not limited to, an examination of the following:

- (1) State and federal programs that provide talent and skill building or workforce training with corresponding historical appropriations;
- (2) Agency initiatives that seek to address the workforce and talent shortage in high-wage, high-demand, high-skill occupations with corresponding historical appropriations;
- (3) Workforce demand, income, education, and demographic projections through 2030, including high-wage, high-demand, high-skill occupations;
- (4) Best practices, model initiatives, and funding mechanisms that seek to increase the number of adults with a bachelor's or associate degree;
- (5) Degree completion initiatives that seek to assist adults who have postsecondary education credits, but who have not earned a certificate or degree;
- (6) Resources necessary to remove barriers to public postsecondary institutions to increase the college-going rate to further support Nebraska's workforce and talent development;
- (7) State and federal internship and apprenticeship programs with corresponding historical appropriations; and
- (8) Opportunities to align or improve systems supporting workforce and talent development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 211.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to examine alternatives for funding the Nebraska Tree Recovery Program, which is administered by the Nebraska Forest Service at the University of Nebraska. The Tree Recovery Program is a matching grant program that funds tree removal, disposal, and replacement costs for municipalities, counties, state agencies, civic groups, tree advisory boards, and other entities that are responsible for the upkeep of government-owned real property.

Due to severe weather conditions, diseases, and invasive species, the state's political subdivisions are experiencing a rise in tree mortality. Most subdivisions have been unable to act decisively due to insufficient funds to remove, dispose of, and replace trees situated on public land, presenting a liability and safety problem.

The interim study shall identify the availability of and eligibility requirements for funds through the federal Emergency Management Agency's Resilience Administration and strategies to leverage additional financial resources for the Tree Recovery Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 212.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this study is to assess the financial position of the Nebraska Brand Committee and to identify core operational needs and opportunities for efficiency improvement. To improve operational efficiencies and facilitate the coordination of core agency objectives, the financial stability of the brand committee must be maintained through the responsible management of budgetary stresses, infrastructure modernization, and resource utilization.

To manage the long-term goals of the brand committee, the interim study shall review the financial positioning of the brand committee, along with key operational objectives and other needs as assessed. The study shall make recommendations for any necessary statutory, policy, structural, or other changes. The study shall include a review of the following:

(1) The financial position of the brand committee to assess its long-term viability as a sustainable state agency. Such analysis may include its sources of funding and budgetary challenges, including information derived from audit reports issued by the Auditor of Public Accounts;

(2) The relevance of the responsibilities of the brand committee as a public benefit, including input from constituencies of the brand committee, a historical narrative on the establishment of the brand committee, and the current challenges that necessitate the services provided by the brand committee;

(3) The operational needs of the brand committee, including field equipment, information technology infrastructure, and other operational support; and

(4) Other responsibilities and objectives of the brand committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 213.** Introduced by Vargas, 7; Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship, including, but not limited to, health insurance, workers' compensation, and retirement savings, for the growing population of independent contractors and self-employed workers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 214.** Introduced by Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine issues that surround the engagement, attraction, and retention of youth in Nebraska. This interim study shall include, but not be limited to, an examination of the following:

(1) The creation of youth-led town halls to identify policy areas of importance to youth across Nebraska; and

(2) Why the youth population is declining in Nebraska. By 2030, there will be more Nebraskans 65 years of age and older in comparison to those 18 years of age and younger.

The study committee shall collaborate with the University of Nebraska and other postsecondary institutions to conduct a statewide survey regarding youth opportunity, personal development, and community inclusivity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 215.** Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine the Nebraska Lottery and Raffle Act. The issues addressed by this interim study shall include, but not be limited to, changes required to modernize the Nebraska Lottery and Raffle Act, including the following:

- (1) Updating the threshold amounts that require a 501(c)(3) organization to obtain a license under the act;
- (2) Updating the requirements for applying for a special permit required under the act; and
- (3) Updating the allowable methods for 501(c)(3) organizations to conduct sales and activities under the act using available technologies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 216.** Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine funding priorities for the medicaid home and community-based services waivers under the Developmental Disabilities Services Act and recommend changes to the waiver program to best serve Nebraska families.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The impact of changes in the current day service programs for youth under the home and community-based services waiver program;
- (2) Options to better serve state wards who have developmental disabilities;
- (3) The impact of waiting lists in developmental disabilities programs for families and the options available to serve all families who are eligible for services and better leverage available federal dollars;
- (4) The impact of reduced federal funding on developmental disability programming for youth;
- (5) Options to strengthen communication and outreach to families with children served by an individualized education program in school regarding services and programs available as children transition to adulthood;
- (6) Gaps in service between waivers, specifically the developmental disabilities waivers, aged and disabled waiver, autism waiver, and waivers for rare conditions; and
- (7) The impact of decreased transition services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 217.** Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to examine the feasibility of developing a process for the preparation and consideration of racial impact statements. The issues examined in this study shall include, but not be limited to:

- (1) The definition or understanding of the term racial impact statement;
  - (2) Whether the use of racial impact statements should be limited to a particular category of legislation or whether such statements should be considered for all legislation;
  - (3) The agency, division, or department that should be tasked with the creation of racial impact statements;
  - (4) The effect that a racial impact statement may have on legislation and the legislative process;
  - (5) The fiscal impact that the use of racial impact statements may have;
- and
- (6) The processes and mechanisms used by other states for preparing, creating, and considering racial impact statements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select interim committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 218.** Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review the resources of the Department of Agriculture and state government to respond to natural disasters and catastrophic weather events with respect to the loss of agricultural assets and infrastructure serving the agricultural sector. The

study shall examine the catastrophic flooding and winter weather events occurring in March of 2019 as a case study to identify potential means of increasing preparedness and response capabilities and shall identify regulatory or statutory provisions that may impose unnecessary costs or restrictions that impede the resiliency of agriculture to recover from catastrophic events.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 219.** Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to identify constraints on agricultural processing, production, and marketing investment. The study shall examine opportunities for future growth in agricultural development, identify regulatory barriers to growth opportunities, and explore means to enable the state and local communities to be prepared to recruit and realize opportunities for agricultural development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 220.** Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review provisions governing carcass disposal requirements and options under Chapter 54, article 7 of the Nebraska statutes. The study shall compile a reference of duties for livestock owners, local governments, and the Department of Agriculture under state statutory provisions and federal regulations on livestock disease prevention. The study shall further examine any overlapping or contradictory jurisdiction regarding livestock mortality disposal with the Department of Environment and Energy or other agencies. Goals of the study are to identify useful or necessary updates to livestock disposal requirements to facilitate proper disposal in the aftermath of catastrophic natural disaster or disease events, to incorporate improved

technologies or methodologies for animal carcass disposal and management, and to remove outdated, unnecessary, and inconsistent provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 221.** Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review the resources and authorities of the Department of Agriculture regarding livestock disease prevention and response. The study shall examine:

(1) The status of the various livestock disease eradication programs and the need to update statutory authorities to reflect current veterinary science and practice;

(2) The need to coordinate with federal leadership; and

(3) Enforcement needed to prevent future outbreaks of livestock diseases in conjunction with, and under the guidance of, the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 222.** Introduced by Halloran, 33; Brewer, 43; Erdman, 47; Stinner, 48.

PURPOSE: The purpose of this interim study is to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee. The study shall seek to identify components of the system that are in place and the remaining system components, including acquisition and deployment of associated devices, software, training, personnel, and any other requirements to achieve a fully functioning system, and the anticipated costs and timetable for completion. It is a further goal of this study to identify opportunities such system may provide for leveraging the Nebraska Brand Committee's enhanced

information management to provide additional services of value to the livestock industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator La Grone filed the following amendment to LB470A:

AM1896

1 1. Strike original section 1 and insert the following new sections:

2 Section 1. There is hereby appropriated \$59,188 from the Department

3 of Revenue Miscellaneous Receipts Fund for FY2019-20 to the Department of

4 Revenue, for Program 102, to aid in carrying out the provisions of

5 Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019.

6 No expenditures for permanent and temporary salaries and per diems

7 for state employees shall be made from funds appropriated in this

8 section.

9 Sec. 2. Since an emergency exists, this act takes effect when

10 passed and approved according to law.

Senator Lindstrom filed the following amendment to LB186:

AM1937

(Amendments to Final Reading copy)

1 1. Strike section 26 and insert the following new sections:

2 Sec. 24. Section 84-618, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 84-618 (1) The Treasury Management Cash Fund is created. A pro rata

5 share of the budget appropriated for the treasury management functions of

6 the State Treasurer and for the administration of the achieving a better

7 life experience program as provided in sections 77-1401 to 77-1409 shall

8 be charged to the income of each fund held in invested cash, and such

9 charges shall be transferred to the Treasury Management Cash Fund. The

10 allocation of charges may be made by any method determined to be

11 reasonably related to actual costs incurred by the State Treasurer in

12 carrying out the treasury management functions under section 84-602 and

13 in carrying out the achieving a better life experience program as

14 provided in sections 77-1401 to 77-1409. Approval of the agencies,

15 boards, and commissions administering these funds shall not be required.

16 (2) It is the intent of this section to have funds held in invested

17 cash be charged a pro rata share of such expenses when this is not

18 prohibited by statute or the Constitution of Nebraska.

19 (3) The Treasury Management Cash Fund shall be used for the treasury  
 20 management functions of the State Treasurer and for the administration of  
 21 the achieving a better life experience program as provided in sections  
 22 77-1401 to 77-1409. To the extent permitted by section 529A as defined in  
 23 section 77-1401, the fund may receive gifts for administration,  
 24 operation, and maintenance of a program established under sections  
 25 77-1403 to 77-1409.

26 (4) Transfers may be made from the Treasury Management Cash Fund to  
 1 the General Fund at the direction of the Legislature. Any money in the  
 2 Treasury Management Cash Fund available for investment shall be invested  
 3 by the state investment officer pursuant to the Nebraska Capital  
 4 Expansion Act and the Nebraska State Funds Investment Act.

5 (5) On or before July 5, 2019, or as soon thereafter as possible,  
 6 the State Treasurer shall transfer eighty-two thousand one hundred sixty-  
 7 seven dollars from the Treasury Management Cash Fund to the General Fund.  
 8 On or before July 1, 2020, the State Treasurer shall transfer twenty-  
 9 seven thousand six hundred eighty-two dollars from the Treasury  
 10 Management Cash Fund to the General Fund.

11 Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
 12 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, and 29 of this act become  
 13 operative on July 1, 2020. The other sections of this act become  
 14 operative on their effective date.

15 Sec. 28. Original section 84-618, Revised Statutes Cumulative  
 16 Supplement, 2018, is repealed.

17 Sec. 30. Since an emergency exists, this act takes effect when  
 18 passed and approved according to law.

19 2. On page 1, line 3, strike "section 23-1503.01" and insert  
 20 "sections 23-1503.01 and 84-618"; in line 5 after the semicolon insert  
 21 "to provide for transfers of funds;"; in line 8 strike "an operative  
 22 date" and insert "operative dates", strike "and", and after "sections"  
 23 insert "; and to declare an emergency".

24 3. Renumber the remaining sections accordingly.

Senator Lindstrom filed the following amendment to LB186A:  
 AM1938

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

4 2. On page 1, line 3, before the period insert "; and to declare an  
 5 emergency".

6 3. On page 2, strike beginning with the second "and" in line 2  
 7 through "Fund" in line 3.

Senator Wayne filed the following amendment to LB657:  
 AM1941

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 20. Section 2-958, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 2-958 (1) A noxious weed control fund may be established for each  
5 control authority, which fund shall be available for expenses authorized  
6 to be paid from such fund, including necessary expenses of the control  
7 authority in carrying out its duties and responsibilities under the  
8 Noxious Weed Control Act. The weed control superintendent within the  
9 county shall (a) ascertain and tabulate each year the approximate amount  
10 of land infested with noxious weeds and its location in the county, (b)  
11 ascertain and prepare all information required by the county board in the  
12 preparation of the county budget, including actual and expected revenue  
13 from all sources, cash balances, expenditures, amounts proposed to be  
14 expended during the year, and working capital, and (c) transmit such  
15 information tabulated by the control authority to the county board not  
16 later than June 1 of each year.

17 (2) The Noxious Weed Cash Fund is created. The fund shall consist of  
18 proceeds raised from fees imposed for the registration of pesticides and  
19 earmarked for the fund pursuant to section 2-2634, funds credited or  
20 transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants,  
21 or donations from any source, and any reimbursement funds for control  
22 work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount  
23 from the General Fund may be appropriated annually for the Noxious Weed  
24 Control Act. The fund shall be administered and used by the director to  
25 maintain the noxious weed control program and for expenses directly  
26 related to the program. Until January 1, 2020, the fund may also be used

1 to defray all reasonable and necessary costs related to the  
2 implementation of the Nebraska Hemp Farming Act. The Department of  
3 Agriculture shall document all costs incurred for such purpose. The  
4 budget administrator of the budget division of the Department of  
5 Administrative Services may transfer a like amount from the Nebraska Hemp  
6 Program Fund to the Noxious Weed Cash Fund no later than October 1, 2022.

7 (3) Any money in the fund available for investment shall be invested  
8 by the state investment officer pursuant to the Nebraska Capital  
9 Expansion Act and the Nebraska State Funds Investment Act.  
10 Sec. 23. Section 81-2,162.27, Revised Statutes Cumulative  
11 Supplement, 2018, is amended to read:

12 81-2,162.27 (1) All money received under the Nebraska Commercial  
13 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
14 Act shall be remitted to the State Treasurer for credit to the  
15 Fertilizers and Soil Conditioners Administrative Fund, which fund is  
16 hereby created. All money so received shall be used by the department for  
17 defraying the expenses of administering the Nebraska Commercial  
18 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
19 Act. Until January 1, 2020, the fund may also be used to defray all  
20 reasonable and necessary costs related to the implementation of the  
21 Nebraska Hemp Farming Act. The Department of Agriculture shall document  
22 all costs incurred for such purpose. The budget administrator of the  
23 budget division of the Department of Administrative Services may transfer  
24 a like amount from the Nebraska Hemp Program Fund to the Fertilizers and  
25 Soil Conditioners Administrative Fund no later than October 1, 2022.

26 Transfers may be made from the fund to the General Fund at the direction  
27 of the Legislature. The State Treasurer shall transfer two hundred  
28 seventy-five thousand dollars from the Fertilizers and Soil Conditioners  
29 Administrative Fund to the General Fund on or before June 30, 2019, on  
30 such dates and in such amounts as directed by the budget administrator of  
31 the budget division of the Department of Administrative Services.

1 (2) Any unexpended balance in the Fertilizers and Soil Conditioners  
2 Administrative Fund at the close of any biennium shall, when  
3 reappropriated, be available for the uses and purposes of the fund for  
4 the succeeding biennium. Any money in the fund available for investment  
5 shall be invested by the state investment officer pursuant to the  
6 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
7 Act.

8 Sec. 24. Sections 17, 18, and 19 of this act become operative on  
9 July 1, 2021. The other sections become operative on their effective  
10 date.

11 2. On page 1, line 1, strike "sections 2-5701 and" and insert  
12 "section 2-958, Reissue Revised Statutes of Nebraska, and sections  
13 2-5701,"; in line 2 after the first comma insert "and 81-2,162.27,"; in  
14 line 3 after the semicolon insert "to provide a use for the Noxious Weed  
15 Cash Fund and the Fertilizers and Soil Conditioners Administrative Fund  
16 and provide for powers and duties,"; and in line 6 after the first  
17 semicolon insert "to provide operative dates,".

18 3. On page 2, line 17, strike "and" and insert the following new  
19 subdivision:

20 "(6) Facilitate interstate commerce by not impeding the shipment of  
21 hemp into and out of this state; and"; and in line 18 strike "(6)" and  
22 insert "(7)".

23 4. On page 4, line 27; page 7, line 20; and page 9, line 25, strike  
24 "Agricultural" and insert "Agriculture".

25 5. On page 5, line 16, after "cultivators" insert "and processor-  
26 handlers" and after "cultivated" insert ", processed, or handled"; and in  
27 line 18 after "act" insert ". The department may, at its discretion,  
28 conduct other inspections of a cultivator's or processor-handler's  
29 operation, including all sites registered with the department".

30 6. On page 12, line 8, after the period insert "Transfers from the  
31 Nebraska Hemp Program Fund to the Noxious Weed Cash Fund may be made as  
1 provided in section 2-958. Transfers from the Nebraska Hemp Program Fund  
2 to the Fertilizers and Soil Conditioners Administrative Fund may be made  
3 as provided in section 81-2,162.27".

4 7. On page 17, strike lines 9 through 19 and insert the following  
5 new subsections:

6 "(3) Any person other than a cultivator or processor-handler who is  
7 transporting hemp shall carry with such hemp being transported (a) a bill  
8 of lading indicating the owner of the hemp, the point of origin of the  
9 hemp, and the destination of the hemp and (b) either a copy of the test  
10 results pertaining to such hemp or other documentation affirming that the  
11 hemp was produced in compliance with section 10113 of the federal  
12 Agriculture Improvement Act of 2018, Public Law 115-334, as such section

13 existed on January 1, 2019.

14 (4)(a) The department may develop a form bill of lading for use by a  
15 person transporting hemp pursuant to subsection (3) of this section for  
16 hemp originating in this state. Such bill of lading shall, at a minimum,  
17 identify the transporting person and indicate the owner, point of origin,  
18 and destination of the hemp.

19 (b) The department, in consultation with the Nebraska State Patrol,  
20 may adopt and promulgate rules and regulations regulating the carrying or  
21 transporting of hemp in this state to ensure that marijuana or any other  
22 controlled substance is not disguised as hemp and carried or transported  
23 into, within, or through this state.

24 (c) No person shall carry or transport hemp in this state unless  
25 such hemp is:

26 (i) Produced in compliance with:

27 (A) For hemp originating in this state, the requirements of section  
28 10113 of the federal Agriculture Improvement Act of 2018, Public Law  
29 115-334, as such section existed on January 1, 2019, and the Nebraska  
30 Hemp Farming Act and any rules and regulations adopted and promulgated  
31 thereunder; or

1 (B) For hemp originating outside this state, the requirements of  
2 section 10113 of the federal Agriculture Improvement Act of 2018, Public  
3 Law 115-334, as such section existed on January 1, 2019; and

4 (ii) Carried or transported as provided in subsection (1), (2), or  
5 (3) of this section.

6 (d) No person shall transport hemp in this state concurrently with  
7 any other plant material that is not hemp.

8 (5)(a) A peace officer may detain any person carrying or  
9 transporting hemp in this state if such person does not provide the  
10 documentation required by this section. Unless the peace officer has  
11 probable cause to believe the hemp is, or is being carried or transported  
12 with, marijuana or any other controlled substance, the peace officer  
13 shall immediately release the hemp and the person carrying or  
14 transporting such hemp upon production of such documentation.

15 (b) The failure of a person detained as described in this subsection  
16 to produce documentation required by this section shall constitute  
17 probable cause to believe the hemp may be marijuana or any other  
18 controlled substance. In such case, a peace officer may collect such hemp  
19 for testing to determine the delta-9 tetrahydrocannabinol concentration  
20 in the hemp, and, if the peace officer has probable cause to believe the  
21 person detained is carrying or transporting marijuana or any other  
22 controlled substance in violation of state or federal law, the peace  
23 officer may seize and impound the hemp or marijuana or other controlled  
24 substance and arrest such person.

25 (c) This subsection does not limit or restrict in any way the power  
26 of a peace officer to enforce violations of the Uniform Controlled  
27 Substances Act and federal law regulating marijuana and other controlled  
28 substances.

29 (6) In addition to any other penalties provided by law, including  
30 those imposed under the Nebraska Hemp Farming Act, any person who

31 intentionally violates this section shall be guilty of a Class IV  
1 misdemeanor and fined not more than one thousand dollars."  
2 8. Renumber the remaining sections and correct the repealer  
3 accordingly.

### SELECT FILE

**LEGISLATIVE BILL 532.** Senator Cavanaugh offered the Hilgers amendment, AM1596, found on page 1472.

The Hilgers amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Cavanaugh offered her amendment, AM1773, found on page 1525.

The Cavanaugh amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 532A.** Considered.

Advanced to Enrollment and Review for Engrossment.

### MOTION(S) - Place LB147 on General File

Senator Groene renewed his motion, MO93, found on page 1576 and considered in this day's Journal, to place LB147 on General File pursuant to Rule 3, Section 20(b).

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Groene moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Senator Groene moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the motion to place LB147 on General File.

Senator Groene requested the roll call vote be taken in regular order.

Voting in the affirmative, 25:

Albrecht	Clements	Groene	La Grone	Moser
Arch	Dorn	Halloran	Lindstrom	Murman
Bostelman	Erdman	Hansen, B.	Linehan	Scheer
Brewer	Geist	Hilgers	Lowe	Slama
Briese	Gragert	Hilkemann	McDonnell	Wayne

Voting in the negative, 14:

Bolz	Crawford	Howard	Lathrop	Pansing Brooks
Brandt	DeBoer	Hunt	McCollister	Williams
Chambers	Hansen, M.	Kolterman	Morfeld	

Present and not voting, 8:

Blood	Friesen	Quick	Walz
Cavanaugh	Hughes	Vargas	Wishart

Excused and not voting, 2:

Kolowski      Stinner

The Groene motion to place LB147 on General File prevailed with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Executive Board

**LEGISLATIVE RESOLUTION 104.** Reported to the Legislature for further consideration with the following amendment:

AM1884

- 1 1. Strike the original provisions and insert the following new
- 2 provisions:
- 3 WHEREAS, an individual residing at Life Quest at the Coolidge
- 4 Center, a state-licensed care facility in Palmer, died on September 3,
- 5 2017, after three days of life-threatening symptoms; and
- 6 WHEREAS, the Department of Health and Human Services produced an
- 7 eighty-one page report of violations found during inspections in June and
- 8 July of 2017 and another six-page report after a visit in September of
- 9 2017. These reports were not released until officials revoked the
- 10 facility's mental health care license on October 5, 2017, a month after
- 11 the incident occurred. The revocation took effect fifteen days later; and
- 12 WHEREAS, the report indicates that the Department of Health and
- 13 Human Services knew of multiple violations in the months preceding the
- 14 closure of this facility. If more immediate action had been taken to
- 15 remedy these violations or draw attention to the inequities in quality of
- 16 care standards, a life could have been saved; and
- 17 WHEREAS, the circumstances surrounding this event have garnered

18 media attention throughout Nebraska, along with scrutiny from the public.  
19 This care facility, as well as multiple others in the past few years,  
20 including Hotel Pawnee in North Platte and Park View Villa in Gothenburg,  
21 have been shut down due to violations regarding maintenance, cleanliness,  
22 and personnel issues; and  
23 WHEREAS, the individuals affected by these policies are some of the  
24 most vulnerable in our community. The citizens of Nebraska have a right  
25 to know the standard of care to which our governmental organizations are  
26 held, including, but not limited to, policies, procedures, and  
27 regulations regarding oversight of assisted-living facilities and mental  
1 health centers; and  
2 WHEREAS, under Title II of the Americans with Disabilities Act (ADA)  
3 it is illegal for public entities, namely state and local governments, to  
4 deny the benefits of programs, services, or activities to qualified  
5 individuals with disabilities; and  
6 WHEREAS, the regulations which implement Title II mandate that state  
7 governments administer services "in the most integrated settings  
8 appropriate to the needs of qualified individuals with disabilities"; and  
9 WHEREAS, the integration mandate in the ADA is implicated when a  
10 public entity administers its programs in a manner that results in  
11 unjustified segregation of persons with disabilities; and  
12 WHEREAS, a public entity may violate the integration mandate in the  
13 ADA when it: (1) Directly or indirectly operates facilities or programs  
14 that segregate individuals with disabilities; (2) finances the  
15 segregation of individuals with disabilities in private facilities; or  
16 (3) through planning, service system design, funding choices, or service  
17 implementation practices, promotes or relies upon the segregation of  
18 individuals with disabilities in private facilities or programs.  
19 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
20 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
21 1. That the Legislature hereby calls for the Executive Board of the  
22 Legislative Council to meet forthwith and appoint a special committee of  
23 the Legislature to be known as the State-Licensed Care Facilities  
24 Oversight Committee of the Legislature. The committee shall consist of  
25 seven members of the Legislature appointed by the Executive Board. The  
26 committee shall elect a chairperson and vice-chairperson from the  
27 membership of the committee. The Executive Board is hereby authorized to  
28 provide the committee with a legal counsel, committee clerk, and other  
29 staff as required by the committee from existing legislative staff.  
30 2. The State-Licensed Care Facilities Oversight Committee shall  
31 limit the scope of its inquiry to assisted-living facilities where many  
1 of the residents are diagnosed with a mental illness. The oversight  
2 committee shall also examine the recent closures of the mental health  
3 centers known as Life Quest, located in Palmer and Blue Hill.  
4 3. The State-Licensed Care Facilities Oversight Committee of the  
5 Legislature is hereby authorized to study the lack of adequate conditions  
6 of state-licensed care facilities, the treatment of individuals residing  
7 in such facilities, the effectiveness of regulation and licensure by the  
8 Division of Public Health of the Department of Health and Human Services

9 in providing oversight, and how the Department of Health and Human  
10 Services implements and administers its behavioral health services  
11 through the behavioral health regions to address the needs of this  
12 vulnerable population. The committee shall also investigate what steps  
13 the department has taken to advance the recommendations proposed by the  
14 Technical Assistance Collaborative as a consultant to the department,  
15 namely, the reasons that assisted-living facilities are the primary  
16 residential options for individuals with severe and persistent mental  
17 illness and alternatives, such as permanent supportive housing and  
18 services, do not exist. The committee shall also investigate whether the  
19 department is taking adequate steps to ensure behavioral health services  
20 are administered in the most integrated setting pursuant to the ADA. The  
21 committee shall utilize existing studies, reports, and legislation  
22 developed to address the current conditions. The committee shall not be  
23 limited to such studies, reports, or legislation.  
24 4. The State-Licensed Care Facilities Oversight Committee of the  
25 Legislature shall issue a report with its findings and recommendations to  
26 the Legislature on or before December 15, 2019.

(Signed) Mike Hilgers, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 223.** Introduced by Cavanaugh, 6;  
Chambers, 11; DeBoer, 10; Pansing Brooks, 28; Wayne, 13.

PURPOSE: The purpose of this resolution is to carry out a comprehensive study of incarceration and mental health services in Nebraska, specifically including the operations of the Department of Correctional Services and the Lincoln Regional Center, as well as an examination of potential reforms to incarceration and mental health services. The study shall include, but not be limited to, an examination of the following:

(1) The feasibility of authorizing the Board of Parole to operate a community corrections program for the placement of parole-eligible inmates in work release programs distributed throughout the state;

(2) Whether reforms are needed with regard to the practices of the Lincoln Regional Center in providing psychological evaluations for inmates housed in county jails, for purposes of both civil commitment and evaluations to determine competency to stand trial;

(3) Whether it is appropriate for juveniles to be placed at the main campus of the Lincoln Regional Center either for treatment purposes or for psychological diagnosis purposes while awaiting trial and whether there should be specific criteria or standards relating to such placements;

(4) Whether the number of patient beds at the Lincoln Regional Center is adequate for the needs of the state;

(5) Whether legislation should be enacted eliminating or limiting mandatory minimum sentencing in Nebraska;

(6) Whether changes should be made to the policies and practices of the Department of Correctional Services regarding the placement of department inmates in county jails;

(7) Whether legislation is needed to reform the management and operation of restrictive housing by the Department of Correctional Services;

(8) Whether the Department of Correctional Services should alter its practices concerning the forfeiture of good time credits;

(9) Whether legislation is needed relating to the obligation of the Department of Correctional Services to disclose certain records and information to the Public Counsel and the Inspector General of the Nebraska Correctional System;

(10) Whether legislation is needed relating to the placement of county safekeeping prisoners with the Department of Correctional Services;

(11) Whether legislative or funding changes are needed to improve the quality of medical and behavioral health services within the Department of Correctional Services;

(12) Whether pay increases are needed for nurses employed by the Department of Correctional Services based on their time-in-service;

(13) Whether additional funding should be provided to the Department of Correctional Services for the improvement of programming provided to its inmates; and

(14) Whether the Nebraska State Patrol should be designated as the sole agency tasked with investigating criminal activities that occur in facilities operated by the Department of Correctional Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall appoint a select interim committee to conduct an interim study to carry out the purpose of this resolution. The select interim committee shall be composed of at least two members from each of the Judiciary, Health and Human Services, and Appropriations Committees of the Legislature.

2. That the select interim committee may seek assistance and input from the Public Counsel and the Inspector General of the Nebraska Correctional System.

3. That the select interim committee may obtain input from other experts and interested parties, including, but not limited to, the Department of Health and Human Services, the Department of Correctional Services, the Board of Parole, and the Nebraska State Patrol.

4. That the select interim committee shall on or before December 15, 2019, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 224.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the civil legal service needs of low-income residents. The interim study shall include, but not be limited to, an examination of the following:

- (1) Public and private funding available for civil legal service for low-income residents;
- (2) Gaps in civil legal service available to Nebraskans;
- (3) Gaps in civil legal service funding available to Nebraska lawyers;
- (4) The practice areas with the highest needs for civil legal service;
- (5) The civil legal service needs of Nebraskans due to the significant flooding in 2019; and
- (6) The provision of civil legal service for low-income residents of similarly situated states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator McDonnell name added to LB481.  
Senator McDonnell name added to LB481A.

**VISITOR(S)**

Visitors to the Chamber were students from Adams Elementary School, Omaha; and Amber and Annabelle Bogle from Bennet.

**ADJOURNMENT**

At 9:05 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Wednesday, May 22, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTIETH DAY - MAY 22, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 22, 2019

**PRAYER**

The prayer was offered by Father Tom Jones, Episcopal Church of the Holy Spirit, Bellevue.

**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 Hunt, Morfeld, and Scheer who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 397.** Placed on Select File with amendment.  
ER130 is available in the Bill Room.

**LEGISLATIVE BILL 481.** Placed on Select File with amendment.  
ER131

1 1. On page 1, strike beginning with "appropriations" in line 1  
2 through "Services" in line 2 and insert "public health and welfare; to  
3 amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the  
4 Brain Injury Trust Fund Act; to create a fund; to change provisions  
5 relating to the Nebraska Health Care Cash Fund; to provide an operative  
6 date; and to repeal the original section".

**LEGISLATIVE BILL 481A.** Placed on Select File.

**LEGISLATIVE BILL 593.** Placed on Select File with amendment.  
ER133

1 1. On page 1, line 2, strike "68-989,".

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR136 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR136.

**WITHDRAW - Amendments to LB657**

Senator Wayne withdrew his amendments, AM1860 and AM1913, found on pages 1604 and 1650, to LB657.

**MOTION(S) - Return LB657 to Select File**

Senator Wayne moved to return LB657 to Select File for his specific amendment, AM1941, found on page 1692.

The Wayne motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 657.** The Wayne specific amendment, AM1941, found on page 1692, was adopted with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION(S) - Return LB657A to Select File**

Senator Wayne moved to return LB657A to Select File for his specific amendment, AM1883, found on page 1625.

The Wayne motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 657A.** The Wayne specific amendment, AM1883, found on page 1625, was adopted with 44 ayes, 4 nays, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 225.** Introduced by Kolowski, 31.

WHEREAS, Millard West High School defeated Marian High School to win the 2019 Class A Girls State Soccer Championship; and

WHEREAS, the championship game was won in a dramatic 4-2 victory for the Millard West Wildcats; and

WHEREAS, the win gave the Millard West Wildcats their fifth girls' state soccer title; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Millard West High School girls' soccer team and coaches for winning the 2019 Class A Girls State Soccer Championship.

2. That a copy of this resolution be sent to the Millard West High School girls' soccer team.

Laid over.

**LEGISLATIVE RESOLUTION 226.** Introduced by Howard, 9; Bostelman, 23; Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program as a deterrent for overprescribing controlled substances. This study shall include, but not be limited to, an examination of the following issues:

(1) Current continuing education requirements for health care providers on opioid prescribing practices and whether additional providers should be required to receive such education;

(2) Research and data surrounding problems of overprescribing opioids in Nebraska and whether a crisis exists;

(3) The possible need for legislation requiring providers to consult Nebraska's prescription drug monitoring program before prescribing any controlled substance; and

(4) Nebraska's pain management guidance document released by the Department of Health and Human Services in October of 2017, its effectiveness, and whether or not such guidelines should be further developed for providers that prescribe controlled substances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 227.** Introduced by Bostelman, 23.

PURPOSE: The purpose of this interim study is to examine the future of nuclear-generated electricity in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) The history of nuclear-generated electricity in the state and the role it plays in the state's public power structure;
- (2) How nuclear-generated electricity compares with other types of electricity generation regarding environmental impacts;
- (3) New technology available for nuclear power generation and whether such advancements could benefit Nebraska; and
- (4) How nuclear-generated electricity may promote economic development in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 228.** Introduced by Lindstrom, 18; Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the potential effects of implementing a flat rate income tax. This study may include an examination of other states that have imposed a flat rate income tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 229.** Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act to determine if there is a need to update such rates. The interim study shall consider:

- (1) The balance between access to safe and affordable credit and consumer protection in a sustainable model;
- (2) The beneficial alignment of interest between borrowers and lenders in order to expand safe and accessible consumer credit;
- (3) Consumers obtaining loans that are not regulated by the Department of Banking and Finance; and
- (4) Maximum rates of installment loans in other states.

In order to carry out the purpose of this resolution, the interim study shall also consider the input of the Department of Banking and Finance and other interested persons as the committee deems necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 230.** Introduced by Erdman, 47.

WHEREAS, Dean Gorsuch will be inducted into the Professional Rodeo Cowboy Association Hall of Fame in August, 2019; and

WHEREAS, Dean Gorsuch was born August 31, 1979, in Mullen and grew up on a farm near Alliance; and

WHEREAS, Dean Gorsuch participated in rodeo at Alliance High School where he graduated in 1998; and

WHEREAS, Dean Gorsuch participated in rodeo at and graduated from Eastern Wyoming College; and

WHEREAS, Dean Gorsuch started full-time in the Professional Rodeo Cowboy Association in 2002; and

WHEREAS, Dean Gorsuch won the Professional Rodeo Cowboy Association's World Championship in steer wrestling in 2006 and 2010; and

WHEREAS, Dean Gorsuch won the Ram National Circuit Finals title in 2006 and 2008; and

WHEREAS, Dean Gorsuch competed in the Wrangler National Finals Rodeo eight times; and

WHEREAS, the American Rodeo pays out the highest purse in rodeo competition, and Dean Gorsuch qualified for the first American Rodeo in 2014, finishing second in steer wrestling in Dallas, Texas; and

WHEREAS, Dean Gorsuch resides in Gering and teaches welding at Eastern Wyoming College; and

WHEREAS, Dean Gorsuch is an exemplary husband, father, friend, college instructor, and man of faith.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding achievements of Dean Gorsuch in the competitive sport of rodeo.
2. That a copy of this resolution be sent to Dean Gorsuch.

Laid over.

**LEGISLATIVE RESOLUTION 231.** Introduced by Briese, 41.

**PURPOSE:** The purpose of this interim study is to examine whether electrician licensing requirements and building regulations need to be changed to support economic development.

Recent economic development projects have exposed Nebraska's shortage of electricians and recent flooding has put further strain on Nebraska's construction workforce.

Meanwhile, Nebraskans are clamoring for property tax reform. Growing Nebraska is an essential component to providing meaningful property tax relief. Nebraska must ensure that regulations remain up-to-date with industry needs and technological advances, and that unnecessary regulations are removed to allow for economic development and state growth while maintaining important safety regulations.

The interim study shall include, but not be limited to an examination of the following:

- (1) Strategies to entice more people into construction fields to ensure Nebraska's ability to continue growing through economic development projects;
- (2) A comparison of Nebraska's electrician licensing requirements and building codes with those of similarly situated states;
- (3) Whether Nebraska's electrician licensing requirements and building regulations account for changes in electrical construction technology and building techniques;
- (4) Whether electrician licensing requirements and building regulations could be better tailored to account for large-scale projects; and
- (5) Strategies to update Nebraska's electrician licensing requirements and building regulations to remove obstacles to economic development while maintaining a safe working environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Slama filed the following amendment to LB183:  
AM1939

(Amendments to AM1846)

- 1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Sections 1 to 4 of this act shall be known and may be  
4 cited as the Property Tax Relief Act.  
5 Sec. 2. The purpose of the Property Tax Relief Act is to provide  
6 tax relief through a refundable income tax credit for taxpayers.  
7 Sec. 3. For purposes of the Property Tax Relief Act:  
8 (1) Agricultural land and horticultural land has the same meaning as  
9 in section 77-1359;  
10 (2) Farm site has the same meaning as in section 77-1359; and  
11 (3) Homestead has the same meaning as in section 77-3502.  
12 Sec. 4. (1) For taxable years beginning or deemed to begin on or  
13 after January 1, 2020, each individual who is an owner of a homestead, of  
14 agricultural land and horticultural land, of a farm site, or of any  
15 improvements on a farm site that are agricultural in nature shall be  
16 allowed a refundable credit against the income tax imposed by the  
17 Nebraska Revenue Act of 1967 equal to the applicable percentage in  
18 subsection (2) of this section multiplied by the property taxes paid  
19 during the taxable year on such homestead, agricultural land and  
20 horticultural land, farm site, or improvement.  
21 (2) The following percentages shall apply for purposes of  
22 calculating the credit allowed in subsection (1) of this section:  
23 

<u>TAX YEAR</u>	<u>CREDIT PERCENTAGE</u>
24 <u>2020</u>	<u>2%</u>
25 <u>2021</u>	<u>4%</u>
26 <u>2022</u>	<u>6%</u>
1 <u>2023</u>	<u>8%</u>
2 <u>2024</u>	<u>10%</u>
3 <u>2025</u>	<u>15%</u>
4 <u>2026</u>	<u>18%</u>
5 <u>2027 and each tax</u>	
6 <u>year thereafter</u>	<u>20%</u>

  
7 Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is  
8 amended to read:  
9 77-2715.07 (1) There shall be allowed to qualified resident  
10 individuals as a nonrefundable credit against the income tax imposed by  
11 the Nebraska Revenue Act of 1967:  
12 (a) A credit equal to the federal credit allowed under section 22 of

13 the Internal Revenue Code; and

14 (b) A credit for taxes paid to another state as provided in section  
15 77-2730.

16 (2) There shall be allowed to qualified resident individuals against  
17 the income tax imposed by the Nebraska Revenue Act of 1967:

18 (a) For returns filed reporting federal adjusted gross incomes of  
19 greater than twenty-nine thousand dollars, a nonrefundable credit equal  
20 to twenty-five percent of the federal credit allowed under section 21 of  
21 the Internal Revenue Code of 1986, as amended, except that for taxable  
22 years beginning or deemed to begin on or after January 1, 2015, such  
23 nonrefundable credit shall be allowed only if the individual would have  
24 received the federal credit allowed under section 21 of the code after  
25 adding back in any carryforward of a net operating loss that was deducted  
26 pursuant to such section in determining eligibility for the federal  
27 credit;

28 (b) For returns filed reporting federal adjusted gross income of  
29 twenty-nine thousand dollars or less, a refundable credit equal to a  
30 percentage of the federal credit allowable under section 21 of the  
1 Internal Revenue Code of 1986, as amended, whether or not the federal  
2 credit was limited by the federal tax liability. The percentage of the  
3 federal credit shall be one hundred percent for incomes not greater than  
4 twenty-two thousand dollars, and the percentage shall be reduced by ten  
5 percent for each one thousand dollars, or fraction thereof, by which the  
6 reported federal adjusted gross income exceeds twenty-two thousand  
7 dollars, except that for taxable years beginning or deemed to begin on or  
8 after January 1, 2015, such refundable credit shall be allowed only if  
9 the individual would have received the federal credit allowed under  
10 section 21 of the code after adding back in any carryforward of a net  
11 operating loss that was deducted pursuant to such section in determining  
12 eligibility for the federal credit;

13 (c) A refundable credit as provided in section 77-5209.01 for  
14 individuals who qualify for an income tax credit as a qualified beginning  
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
16 for all taxable years beginning or deemed to begin on or after January 1,  
17 2006, under the Internal Revenue Code of 1986, as amended;

18 (d) A refundable credit for individuals who qualify for an income  
19 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
20 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
21 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
22 and

23 (e) A refundable credit equal to ten percent of the federal credit  
24 allowed under section 32 of the Internal Revenue Code of 1986, as  
25 amended, except that for taxable years beginning or deemed to begin on or  
26 after January 1, 2015, such refundable credit shall be allowed only if  
27 the individual would have received the federal credit allowed under  
28 section 32 of the code after adding back in any carryforward of a net  
29 operating loss that was deducted pursuant to such section in determining  
30 eligibility for the federal credit.

31 (3) There shall be allowed to all individuals as a nonrefundable

1 credit against the income tax imposed by the Nebraska Revenue Act of  
2 1967:

3 (a) A credit for personal exemptions allowed under section  
4 77-2716.01;

5 (b) A credit for contributions to certified community betterment  
6 programs as provided in the Community Development Assistance Act. Each  
7 partner, each shareholder of an electing subchapter S corporation, each  
8 beneficiary of an estate or trust, or each member of a limited liability  
9 company shall report his or her share of the credit in the same manner  
10 and proportion as he or she reports the partnership, subchapter S  
11 corporation, estate, trust, or limited liability company income;

12 (c) A credit for investment in a biodiesel facility as provided in  
13 section 77-27,236;

14 (d) A credit as provided in the New Markets Job Growth Investment  
15 Act;

16 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
17 Revitalization Act;

18 (f) A credit to employers as provided in section 77-27,238; and

19 (g) A credit as provided in the Affordable Housing Tax Credit Act.

20 (4) There shall be allowed as a credit against the income tax  
21 imposed by the Nebraska Revenue Act of 1967:

22 (a) A credit to all resident estates and trusts for taxes paid to  
23 another state as provided in section 77-2730;

24 (b) A credit to all estates and trusts for contributions to  
25 certified community betterment programs as provided in the Community  
26 Development Assistance Act; and

27 (c) A refundable credit for individuals who qualify for an income  
28 tax credit as an owner of agricultural assets under the Beginning Farmer  
29 Tax Credit Act for all taxable years beginning or deemed to begin on or  
30 after January 1, 2009, under the Internal Revenue Code of 1986, as  
31 amended. The credit allowed for each partner, shareholder, member, or  
1 beneficiary of a partnership, corporation, limited liability company, or  
2 estate or trust qualifying for an income tax credit as an owner of  
3 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
4 equal to the partner's, shareholder's, member's, or beneficiary's portion  
5 of the amount of tax credit distributed pursuant to subsection (4) of  
6 section 77-5211.

7 (5)(a) For all taxable years beginning on or after January 1, 2007,  
8 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
9 amended, there shall be allowed to each partner, shareholder, member, or  
10 beneficiary of a partnership, subchapter S corporation, limited liability  
11 company, or estate or trust a nonrefundable credit against the income tax  
12 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
13 partner's, shareholder's, member's, or beneficiary's portion of the  
14 amount of franchise tax paid to the state under sections 77-3801 to  
15 77-3807 by a financial institution.

16 (b) For all taxable years beginning on or after January 1, 2009,  
17 under the Internal Revenue Code of 1986, as amended, there shall be  
18 allowed to each partner, shareholder, member, or beneficiary of a

19 partnership, subchapter S corporation, limited liability company, or  
 20 estate or trust a nonrefundable credit against the income tax imposed by  
 21 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,  
 22 member's, or beneficiary's portion of the amount of franchise tax paid to  
 23 the state under sections 77-3801 to 77-3807 by a financial institution.

24 (c) Each partner, shareholder, member, or beneficiary shall report  
 25 his or her share of the credit in the same manner and proportion as he or  
 26 she reports the partnership, subchapter S corporation, limited liability  
 27 company, or estate or trust income. If any partner, shareholder, member,  
 28 or beneficiary cannot fully utilize the credit for that year, the credit  
 29 may not be carried forward or back.

30 (6) There shall be allowed to all individuals nonrefundable credits  
 31 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
 1 provided in section 77-3604 and refundable credits against the income tax  
 2 imposed by the Nebraska Revenue Act of 1967 as provided in section  
 3 77-3605.

4 (7) There shall be allowed to all individuals refundable credits  
 5 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
 6 provided in the Property Tax Relief Act.

7 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of  
 8 Nebraska, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 720.** Committee AM1614, found on page 1462 and  
 considered on page 1560, was renewed.

Senator Bolz renewed her amendment, AM1795, found on page 1541 and  
 considered on page 1560, to the committee amendment.

Senator McCollister moved the previous question. The question is, "Shall  
 the debate now close?" The motion prevailed with 28 ayes, 13 nays, and 8  
 not voting.

The Bolz amendment was adopted with 28 ayes, 10 nays, 9 present and not  
 voting, and 2 excused and not voting.

Senator Wishart offered the following amendment to the committee  
 amendment:

AM1934

(Amendments to Standing Committee amendments, AM1614)

1 1. Strike sections 16 and 76 and insert the following new sections:  
 2 Sec. 16. (1) Number of new employees, for purposes of subdivisions  
 3 (1)(b), (4)(d), (5)(c), and (8)(b)(iii) of section 32 of this act, means  
 4 the number of equivalent employees that are employed at the qualified  
 5 location or locations during a year that are in excess of the number of  
 6 equivalent employees during the base year, not to exceed the number of  
 7 equivalent employees employed full-time at the qualified location or  
 8 locations during a year who are not base-year employees, who meet the

9 health coverage requirement of subsection (5) of this section, and who  
10 are paid wages at a rate equal to at least one hundred fifty percent of  
11 the Nebraska statewide average hourly wage for the year of application.  
12 (2) Number of new employees, for purposes of subdivisions (4)(a) and  
13 (5)(a) of section 32 of this act, means the number of equivalent  
14 employees that are employed at the qualified location or locations during  
15 a year that are in excess of the number of equivalent employees during  
16 the base year, not to exceed the number of equivalent employees employed  
17 full-time at the qualified location or locations during a year who are  
18 not base-year employees, who meet the health coverage requirement of  
19 subsection (5) of this section, and who are paid wages at a rate equal to  
20 at least the Nebraska ninety-county average hourly wage for the year of  
21 application.

22 (3) Number of new employees, for all other purposes, except as  
23 otherwise provided in the ImagiNE Nebraska Act, means the number of  
24 equivalent employees that are employed at the qualified location or  
25 locations during a year that are in excess of the number of equivalent  
26 employees during the base year, not to exceed the number of equivalent  
1 employees employed full-time at the qualified location or locations  
2 during a year who are not base-year employees, who meet the health  
3 coverage requirement of subsection (5) of this section, and who are paid  
4 wages at a rate equal to at least the Nebraska statewide average hourly  
5 wage for the year of application.

6 (4) For employees who work both at a qualified location and also  
7 perform services for the taxpayer at other nonqualified locations, they  
8 will be included in determining the number of new employees if more than  
9 fifty percent of the time for which they are compensated is spent at the  
10 qualified location. For any year other than the base year, employees who  
11 work at the qualified location fifty percent or less of the time for  
12 which they are compensated are not considered employed at the qualified  
13 location.

14 (5) An employee meets the health coverage requirement if the  
15 employee does not constitute a full-time employee, as defined and  
16 described in section 4980H of the Internal Revenue Code of 1986, as  
17 amended, and the regulations for such section, or the taxpayer offers to  
18 that employee, for that year, the opportunity to enroll in minimum  
19 essential coverage under an eligible employer-sponsored plan, as those  
20 terms are defined and described in section 5000A of the Internal Revenue  
21 Code of 1986, as amended, and the regulations for such section.

22 (6) For purposes of this section, employed full-time means that the  
23 employee is a full-time employee as defined and described in section  
24 4980H of the Internal Revenue Code of 1986, as amended, and the  
25 regulations for such section.

26 Sec. 56. Sections 56 to 63 of this act shall be known and may be  
27 cited as the Community Economic Opportunities Act.

28 Sec. 57. The purpose of the Community Economic Opportunities Act is  
29 to provide capital for economic development projects in areas of the  
30 state that are underserved by Nebraska's employment and investment  
31 incentive programs.

1 Sec. 58. For purposes of the Community Economic Opportunities Act:

2 (1) Board means the Community Economic Opportunities Board  
3 established in section 59 of this act;

4 (2) Department means the Department of Economic Development;

5 (3) Eligible community means a county in Nebraska with fewer than  
6 forty thousand residents as determined by the most recent federal  
7 decennial census; and

8 (4) Eligible project means an economic development project proposed  
9 by a private business that:

10 (a) By its terms is not eligible to receive incentives under the  
11 ImagiNE Nebraska Act;

12 (b) Will provide employment, investment, or both, to an eligible  
13 community; and

14 (c) Is determined by the department to have a likelihood of  
15 resulting in a high rate of return on investment.

16 Sec. 59. (1) The Community Economic Opportunities Board is  
17 established. The board shall be comprised of two persons representing  
18 economic developers, two persons representing counties or municipalities,  
19 and one person representing business. Members shall be appointed by the  
20 Governor and approved by the Legislature with at least one member  
21 residing in each of Nebraska's congressional districts. Additionally, the  
22 Speaker of the Legislature, the chairperson of the Appropriations  
23 Committee of the Legislature, and the chairperson of the Revenue  
24 Committee of the Legislature shall serve as nonvoting members on the  
25 board. Appointed members shall serve two-year terms, except that the  
26 terms of one person representing economic developers and one person  
27 representing counties or municipalities appointed upon the creation of  
28 the board shall be for three years. The board shall select a chairperson  
29 from among its members. Members shall serve without compensation but  
30 shall be reimbursed for their actual and necessary expenses as provided  
31 in sections 81-1174 to 81-1177. Board meetings may be conducted by  
1 telephone or teleconference.

2 (2) The board shall meet at the call of the chairperson to select  
3 projects for funding under the Community Economic Opportunities Act from  
4 recommendations by the department. The board may approve up to two  
5 million dollars of funding each year for eligible projects.

6 Sec. 60. The department shall develop procedures for applying for  
7 funding under the Community Economic Opportunities Act and shall develop  
8 guidelines and parameters for rating and selecting projects for  
9 submission to the board.

10 Sec. 61. The Community Economic Opportunities Fund is created. The  
11 fund shall be administered by the department to provide funding for  
12 eligible projects approved by the board under section 59 of this act. The  
13 fund shall consist of transfers and appropriations authorized by the  
14 Legislature and any gifts, grants, bequests, or donations to the fund.  
15 Any money in the fund available for investment shall be invested by the  
16 state investment officer pursuant to the Nebraska Capital Expansion Act  
17 and the Nebraska State Funds Investment Act.

18 Sec. 62. (1) On or before October 31, 2020, and each October 31

19 thereafter, the Director of Economic Development shall electronically  
20 submit to the Legislature a report on the Community Economic  
21 Opportunities Act for the previous fiscal year.  
22 (2) The report shall list projects that were approved for funding by  
23 the board and shall include the location of the project, the entity  
24 receiving funding, and a description of the project.  
25 Sec. 63. It is the intent of the Legislature to appropriate two  
26 million dollars to the Community Economic Opportunities Fund for fiscal  
27 year 2019-20 and each fiscal year thereafter for purposes of carrying out  
28 the Community Economic Opportunities Act.  
29 Sec. 82. This act becomes operative on January 1, 2020.  
30 2. On page 2, lines 29 and 30, strike "the effective date of this  
31 act" and insert "January 1, 2019".  
1 3. On page 10, line 2, strike "and"; after line 2 insert the  
2 following new subdivision:  
3 "(h) Acknowledge that the taxpayer understands the requirements for  
4 providing a sufficient package of benefits to its employees as specified  
5 in the ImagiNE Nebraska Act; and"; and in line 3 strike "(h)" and insert  
6 "(i)".  
7 4. On page 12, line 12, strike "and"; in line 14 strike the period  
8 and insert "; and"; and after line 14 insert the following new  
9 subdivision:  
10 "(i) A requirement that the taxpayer provide a sufficient package of  
11 benefits to the employees employed full-time at the qualified location or  
12 locations during the year who are not base-year employees and who are  
13 paid the required wages. For purposes of this subdivision, benefits means  
14 nonwage compensation provided to an employee, including medical and  
15 dental insurance plans, pension, retirement, and profit-sharing plans,  
16 child care services, life insurance coverage, vision insurance coverage,  
17 disability insurance coverage, and any other nonwage compensation as  
18 determined by the director. The director may adopt and promulgate rules  
19 and regulations to specify what constitutes a sufficient package of  
20 benefits."  
21 5. On page 17, lines 14 and 15 and 20; and page 23, lines 24 and 29  
22 and 30, strike "as they existed on the effective date of this act".  
23 6. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21  
24 strike "subsection" and insert "subdivision"; in line 24 strike "section  
25 18-2109" and insert "the Community Development Law"; and after line 25  
26 insert the following new subdivisions:  
27 "(b) The credit percentages prescribed in subsections (4) and (5) of  
28 this section shall be increased by one percentage point if the taxpayer:  
29 (i) Is a benefit corporation as defined in section 21-403 and has  
30 been such a corporation for at least one year prior to submitting an  
31 application under the ImagiNE Nebraska Act; and  
1 (ii) Remains a benefit corporation as defined in section 21-403 for  
2 the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.  
3 (c) A taxpayer may, if qualified, receive one or both of the  
4 increases provided in this subsection."  
5 7. On page 25, line 24, after the period insert "All fees collected

6 under this subsection shall be remitted to the State Treasurer for credit  
 7 to the ImagiNE Nebraska Cash Fund, which fund is hereby created. The fund  
 8 shall consist of fees credited under this subsection and any other money  
 9 appropriated to the fund by the Legislature. The fund shall be  
 10 administered by the Department of Economic Development and shall be used  
 11 for administration of the ImagiNE Nebraska Act. Any money in the fund  
 12 available for investment shall be invested by the state investment  
 13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 14 State Funds Investment Act."

15 8. On page 26, line 20; and page 27, line 1, after "to" insert "the  
 16 number of".

17 9. On page 27, line 10, strike "(l)(h)" and insert "(l)(g)"; and  
 18 strike lines 19 through 31.

19 10. On page 28, line 1, strike "(f)" and insert "(e)"; in line 21  
 20 strike "(g)" and insert "(f)"; and in line 26 strike "(h)" and insert  
 21 "(g)".

22 11. On page 37, strike beginning with "(i)" in line 28 through the  
 23 first comma in line 29; in line 29 strike "(j)" and insert "(i)" and  
 24 strike "(k)" and insert "(j)"; in line 30 strike "(l)" and insert "(k)";  
 25 and in line 31 strike "(m)" and insert "(l)".

26 12. On page 38, line 1, strike "(n)" and insert "(m)"; in line 2  
 27 strike "(o)" and insert "(n)" and strike "(p)" and insert "(o)"; in line  
 28 3 strike "(q)" and insert "(p)"; strike beginning with "(r)" in line 4  
 29 through the first comma in line 5; in line 5 strike "(s)" and insert  
 30 "(q)"; in line 6 strike "(t)" and insert "(r)"; and in line 7 strike  
 31 "(u)" and insert "(s)".

1 13. On page 46, line 11; page 99, lines 19, 20, and 24; page 100,  
 2 lines 2, 3, 7, 12, 13, 17, 23, 24, and 28; and page 101, lines 9, 10, 14,  
 3 22, 23, and 27, strike "effective" and insert "operative".

4 14. On page 114, line 23, strike "July 15, 2019" and insert "January  
 5 15, 2020"; and in line 25 strike "July 15, 2020" and insert "January 15,  
 6 2021".

7 15. Renumber the remaining sections accordingly.

Pending.

## COMMITTEE REPORT(S)

### Enrollment and Review

**LEGISLATIVE BILL 323.** Placed on Final Reading.

**LEGISLATIVE BILL 323A.** Placed on Final Reading.

**LEGISLATIVE BILL 334.** Placed on Final Reading.

ST28

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER72, on page 13, line 18, "81-829.42," has been inserted after "50-1209,"; and in line 25 "provide intent for an

appropriation to the Governor's Emergency Program," has been inserted after the last comma.

**LEGISLATIVE BILL 334A.** Placed on Final Reading.

**LEGISLATIVE BILL 460.** Placed on Final Reading Second.

**LEGISLATIVE BILL 468.** Placed on Final Reading.

ST29

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1166, on page 3, line 17, "section 7" has been struck and "section 2" inserted; the matter beginning with "sections" in line 24 through "and" in line 25 has been struck; and in line 27 "are" has been struck and "is" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "health care; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit inclusion of long-term services and supports under the medicaid managed care program as prescribed; to provide notification duties for the Department of Health and Human Services and Department of Insurance prior to submitting certain state waiver requests; to harmonize provisions; and to repeal the original section." inserted.

**LEGISLATIVE BILL 492.** Placed on Final Reading.

ST36

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM628, on page 33, line 17, paragraphing and "(2)" has been inserted before "Any".

**LEGISLATIVE BILL 511.** Placed on Final Reading.

ST27

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER56, amendment 2 has been struck.

**LEGISLATIVE BILL 592.** Placed on Final Reading.

**LEGISLATIVE BILL 686.** Placed on Final Reading.

ST30

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "criminal justice; to amend sections 29-2202, 29-2246, and 29-2268, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-1206, 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change Class IV felony provisions; to prohibit the introduction and

possession of electronic communication devices in correctional facilities as prescribed; to provide a penalty; to change possession of a deadly weapon by a prohibited person provisions; to change provisions relating to competency to stand trial; to provide for deferred judgments by courts as prescribed; to change provisions relating to post-release supervision; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to change provisions relating to the long-term restrictive housing work group; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 686A.** Placed on Final Reading.

**LEGISLATIVE BILL 690.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 232.** Introduced by McCollister, 20; Dorn, 30; Erdman, 47; Friesen, 34; Halloran, 33; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission. The interim study shall include, but not be limited to, an examination of the following:

(1) The opportunity to save taxpayer dollars by eliminating redundant mailings from county treasurers and assessors;

(2) Requiring county assessors to use a single, state-approved, mass assessment software system, including the potential cost-savings and reduction of disputes between counties;

(3) Extending the property valuation appeal process to more closely match the income tax filing season;

(4) The acceptance by county assessors of protests generated by tax preparers;

(5) Standardizing the protest form statewide for all counties;

(6) Realigning the representation on the Tax Equalization and Review Commission to better serve constituents;

(7) The use of current market analysis reports produced by a licensed realtor as proof of valuation in place of, or in addition to, appraisals;

(8) Aligning local taxing authority levy rate adjustments with total county certified valuation to avoid a windfall of tax revenue and a corresponding increase in spending without taxpayer oversight;

(9) Consolidation of county assessors;

(10) Reducing the acceptable range for real property from ninety-two to one hundred percent to ninety-six to one hundred percent of actual value; and

(11) A standardized statewide reporting system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 233.** Introduced by Arch, 14.

PURPOSE: The purpose of this interim study is to examine the operations and processes of the Nebraska State Patrol in fingerprint collection and submission to the Federal Bureau of Investigation for national criminal history record information checks, particularly in light of the recent statutory requirement that employees of child care facilities and child-caring agencies be subject to such fingerprinting.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The historic, current, and future costs of such fingerprinting services;
- (2) The expenses associated with providing such services;
- (3) The cost to employees and employers required to complete such fingerprinting and background checks;
- (4) The impact of increased fingerprinting costs on employers providing licensed child care services and on residential child-caring agencies;
- (5) The time required to complete such fingerprinting and background checks and the impact of time-delay on employers providing licensed child care services and on residential child-caring agencies; and
- (6) The availability of state or federal funding to alleviate the costs of fingerprinting services and background checks for child care facilities and residential child-caring agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 234.** Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases are funded, which enables such providers to offer the right services at the right time.

A recent multiyear cost model study conducted by the Division of Behavioral Health of the Department of Health and Human Services demonstrated that behavioral health provider rates are between five and thirty-five percent below the cost of providing services. In the past, appropriations intended for provider rate increases have not been realized by such providers, making it critical for the Legislature, as well as the providers and consumers, to track the appropriation and determine the amount of funding distributed to providers.

The interim study shall seek input from the Division of Behavioral Health of the Department of Health and Human Services, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, the Legislative Fiscal Office, and the Office of Probation Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **VISITOR(S)**

Visitors to the Chamber were students from Portal Elementary School, La Vista.

#### **RECESS**

At 12:00 p.m., on a motion by Senator Albrecht, 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 Chambers, Groene, Hilkemann, Howard, and Wayne who were excused until they arrive.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 235.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substance offenses, particularly ignition interlock devices and the 24/7 sobriety program, and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

The questions to be addressed by this interim study shall include, but not be limited to:

- (1) How ignition interlock devices and 24/7 sobriety programs across the state are being utilized to monitor repeat offenders for driving under the influence;
- (2) How ignition interlock devices and a 24/7 sobriety program can work together to reduce recidivism for driving under the influence offenses;
- (3) What are the success rates for repeat offenders through ignition interlock devices and 24/7 sobriety monitoring programs in Nebraska and other states;
- (4) What are the potential issues and costs associated with expansion of 24/7 sobriety programs across Nebraska and is there any available funding to offset such costs; and
- (5) What statutory changes are necessary to implement a statewide 24/7 sobriety program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 236.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine issues related to juvenile justice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 237.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine issues related to Nebraska's correctional system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 238.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to assess the rehabilitation and other needs of inmates while in the custody of the Department of Correctional Services and while transitioning into the community. The issues addressed by this interim study shall include, but not be limited to:

(1) Methods to determine inmate classification, assignment, and eligibility for work release;

(2) Availability and utilization of less-restrictive levels of custody;

(3) Methods of preparing eligible inmates for parole and safe reentry into the community; and

(4) Availability of housing and other resources for former inmates, including those with special circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 239.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine non-court involved cases, including voluntary and alternative response cases, in the child welfare system. The issues addressed by this interim study shall include, but not be limited to:

(1) The standards used to determine which cases are handled as non-court involved cases and the process for such determination;

(2) The regulatory or statutory oversight, or lack thereof, for non-court involved cases;

(3) The type of services provided to families in non-court involved cases, including, when possible, specific data on services offered;

(4) The risk assessment level for children placed in non-court involved cases, including specific data on how many families were assessed at each risk level;

(5) The type of placements used in non-court involved cases, including whether any background checks are performed for those placements and whether any changes in voluntary placements are tracked;

(6) The average length of time a non-court involved case remains open;

(7) The number of non-court involved cases that transition to court-involved cases and the number of non-court involved cases that are closed;

(8) The grounds for closing a non-court involved case and the grounds for transferring a non-court involved case to a court-involved case; and

(9) The decrease in initial assessments despite an increase in calls to the child abuse and neglect hotline.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 240.** Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to review municipal rental housing inspection programs. The interim study shall include, but not be limited to:

(1) A review of municipal rental housing inspection programs, requirements, fee structures, and schedules of inspection and whether such inspections are proactive or complaint based;

(2) A review of municipalities considering changes to current rental housing inspection programs or that recently made changes to their rental housing inspection programs and an overview of such changes; and

(3) A review of rental housing inspection programs in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 720.** The Wishart amendment, AM1934, found in this day's Journal, to the committee amendment, was renewed.

Senator Kolterman offered the following motion:

MO100

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kolterman moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Albrecht	Friesen	Howard	Lowe	Stinner
Arch	Geist	Hughes	McCollister	Walz
Blood	Gragert	Kolowski	Moser	Wayne
Briese	Groene	Kolterman	Murman	Williams
Clements	Halloran	La Grone	Pansing Brooks	Wishart
Crawford	Hansen, B.	Lathrop	Quick	
DeBoer	Hilgers	Lindstrom	Scheer	
Dorn	Hilkemann	Linehan	Slama	

Voting in the negative, 8:

Bostelman	Brewer	Chambers	Hunt
Brandt	Cavanaugh	Erdman	Morfeld

Present and not voting, 4:

Bolz	Hansen, M.	McDonnell	Vargas
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The Kolterman motion to invoke cloture prevailed with 37 ayes, 8 nays, and 4 present and not voting.

The Wishart amendment, AM1934, was adopted with 30 ayes, 13 nays, and 6 present and not voting.

The committee amendment, AM1614, as amended, was adopted with 34 ayes, 7 nays, and 8 present and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 720A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 241.** Introduced by Pansing Brooks, 28; Brandt, 32; Briese, 41; Dorn, 30; Gragert, 40; Kolterman, 24; Scheer, 19; Slama, 1; Walz, 15.

**PURPOSE:** The purpose of this resolution is to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies. The state has experienced devastating, costly, and historic floods in the last ten years. An increase in highly destructive weather events, including floods, drought, and high winds present serious, diverse, and ongoing issues. All of Nebraska's industries, especially agriculture, are negatively impacted by these destructive and increasingly frequent extreme weather events. Even the water supplies of the state's largest population centers have been compromised by flooding. Appropriate and proactive planning is needed to develop strategies to mitigate and adapt to the impacts of extreme weather events on the health and well-being of Nebraskans. An effective plan to meet the challenges posed by extreme weather events will enable the state to take advantage of opportunities resulting from adaptation and mitigation strategies. Such strategies have the potential to attract new businesses and investments to Nebraska and to reduce the negative impacts of extreme weather events on the environment.

The select interim committee shall:

- (1) Select two co-chairs from the membership of the committee;
- (2) Gather, share, examine, and analyze data and information related to environmental impacts on the resources and people of Nebraska;
- (3) Examine laws, programs, policies, and planning efforts for extreme weather events, including those developed in other states;
- (4) Examine environmental action plans developed in other states; and
- (5) Consult with relevant stakeholders and academic experts on extreme weather events, including, but not limited to, the University of Nebraska, the

Nebraska state colleges, Nebraska community colleges, emergency management officials, conservation organizations, political subdivisions, state agencies, and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select interim committee of the Legislature shall be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the chair of the Agriculture Committee of the Legislature, or his or her designee, the chair of the Banking, Commerce and Insurance Committee of the Legislature, or his or her designee, the chair of the Natural Resources Committee of the Legislature, or his or her designee, and four members of the Legislature selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 242.** Introduced by State-Tribal Relations Committee: Hilkemann, 4, Chairperson; Brewer, 43; Gragert, 40; Hunt, 8; Walz, 15; Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine the replacement of Native American mascots in Nebraska at nontribal schools.

Support has increased to end the era of Native American mascots in sports and popular culture. Hundreds of tribal nations, national and regional tribal organizations, civil rights organizations, school boards, sports teams, sports and media personalities, and individuals have called for the end of Native American mascots. Rooted in the civil rights movement, the quest for racial equality among indigenous people led to campaigns to bring an end to negative and harmful stereotypes in the media and popular culture, including in sports. There has been significant progress at the professional, collegiate, and high school levels to change.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 243.** Introduced by Hunt, 8; Cavanaugh, 6.

**PURPOSE:** The purpose of this interim study is to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers. It is critical to the health of Nebraskans and their families to understand how refusals to provide care and comprehensive information may harm individuals.

The interim study shall include, but not be limited to:

(1) A review of information on health care facilities with a religious affiliation, including the number and percentage of such facilities, the size and type of such facilities, and the location of such facilities;

(2) A collection of information regarding the number and percentage of patients that give birth at a health care facility, seek miscarriage management treatment, or are provided miscarriage management treatment, and the related complications at health care facilities with a religious affiliation, disaggregated by race and including the number of such patients whose care is paid by the medical assistance program;

(3) A collection of information, by means of a statewide survey, to identify health care providers participating in a practice relationship with a religious health care facility that requires such providers to agree to any restrictions on care. Such survey shall collect information on location, type of care, type of restriction, and how many patients each provider serves; and

(4) An examination of the practices of hospitals and ambulatory surgical centers with a religious affiliation, including, but not limited to:

(a) Reproductive health services not provided by such hospital or ambulatory surgical center, including contraception, tubal ligation, in vitro fertilization or other assisted reproductive technology, miscarriage management, treatment of ectopic pregnancy, maternity care, and abortion;

(b) The policy of such hospital or ambulatory surgical center regarding information and referrals to be shared with existing patients and prospective patients when they inquire about health care services sought by the patient that such hospital or ambulatory surgical center does not provide or provides in a limited capacity;

(c) The policy of such hospital or ambulatory surgical center on action to be taken and medical information and referrals to be provided when a patient's health or life is at-risk and such hospital or ambulatory surgical center will not provide the medical services needed to adhere to the standard of care, even if allowable under state law;

(d) The types of information and referrals provided to patients when medical care is denied, including actions taken when medical care is denied and the patient's life or health is at-risk. This examination shall include surveys or interviews with patients and providers at religiously affiliated hospitals or ambulatory surgical centers and not be limited to written policies; and

(e) The number of inquiries, including, but not limited to, emails, calls, and in-person visits, received by such hospital or ambulatory surgical center regarding abortion, contraception, or sterilization services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 244.** Introduced by Hansen, B., 16.

**PURPOSE:** The purpose of this interim study is to examine discrepancies in reimbursement under the medical assistance program between the three Heritage Health managed care plans and the impacts of applying a multiple-procedure payment-reduction policy to therapy services.

The multiple-procedure payment-reduction policy in the medicare system was implemented by the federal Centers for Medicare and Medicaid Services in 2011 for multiple surgical procedures and diagnostic imaging procedures occurring in one day. The policy implemented in the medical assistance program in Nebraska applies to all therapy services regardless of the therapy discipline, such as physical therapy, occupational therapy, or speech-language pathology services. When multiple therapy services are provided to the same patient on the same day, full payment is made for the unit or procedure with the highest practice-expense payment. For subsequent units or procedures furnished to the same patient on the same day, fifty percent payment is made for the practice expense for services submitted on either professional or institutional claims.

Therapy services are rarely only one unit, and the practice-expense for each code was calculated with the understanding that a therapy session always has more than one unit per visit, which does not comport with the multiple-procedure payment-reduction policy. With the Nebraska medicaid fee schedule currently below the medicare fee schedule, the application of the policy further reduces reimbursement to levels that most therapy practice locations cannot sustain.

The issues addressed by this interim study shall include, but not be limited to:

(1) Research of other states' medicaid fee schedules and whether they are applying the multiple-procedure payment-reduction policy to therapy services;

(2) Laws and regulations regarding medicaid fee schedules;

(3) Therapy practice costs for medicaid providers, reimbursement levels, and associated costs for care when services are not provided to patients at the right time; and

(4) The impact on access to therapy services if therapy providers cannot continue to serve low-income Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 245.** Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care. This study shall continue the conversation begun by the introduction of Legislative Bill 247, One Hundred Sixth Legislature, First Session, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 246.** Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the Office of Public Guardian. The issues addressed by this interim study shall include, but not be limited to, the structure, duties, and effectiveness of the office.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Brewer filed the following amendment to LB720:  
AM1833

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 6, line 3, strike "wind".

Senator Brewer filed the following amendment to LB720:  
AM1948

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 6, line 4, after "elements" insert ". The production of  
2 electricity using wind shall not be considered a qualified location under  
3 this section unless such production is pursuant to a current power  
4 purchase agreement with a consumer-owned electric supplier operating in  
5 the State of Nebraska".

**SELECT FILE**

**LEGISLATIVE BILL 183.** Senator Briese asked unanimous consent to withdraw his amendment, AM709, found on page 813, and replace it with his substitute amendment, AM1962. No objections. So ordered. AM1962 is available in the Bill Room.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 433.** Placed on Final Reading.

**LEGISLATIVE BILL 470.** Placed on Final Reading.

ST31

The following changes, required to be reported for publication in the Journal, have been made:

1. In the La Grone amendment, AM1932, on page 1, line 22, "(2)" has been struck and "(4)" inserted.

2. On page 1, lines 2 through 10 and all amendments thereto have been struck and "77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of

improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 470A.** Placed on Final Reading.

**LEGISLATIVE BILL 512.** Placed on Final Reading.

ST34

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 through 17 and all amendments thereto have been struck and "3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-702, 77-1239, 77-1301, 77-1725.01, 77-1734.01, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to provide procedures for adjusting the assessment of destroyed real property as prescribed; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, reimbursement to political subdivisions, personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 583.** Placed on Final Reading.

ST33

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "the Transportation Innovation Act" has been struck and "design-build contracts" inserted; in line 2 "13-2914," has been inserted after "sections"; and in line 5 "to change provisions relating to the Political Subdivisions Construction Alternatives Act and the Transportation Innovation Act;" has been inserted after the semicolon.

**LEGISLATIVE BILL 610.** Placed on Final Reading.

ST32

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, and 85-1809, Reissue Revised Statutes of

Nebraska; to adopt the Meadowlark Act; to define and redefine terms; to create a fund; to create the Employer Matching Contribution Incentive Program and provide for incentive payments as prescribed; to establish the College Savings Plan Low-Income Matching Scholarship Program and provide for state matching scholarships as prescribed; to provide powers and duties for the State Treasurer; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 610A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 247.** Introduced by La Grone, 49; Brewer, 43; Hansen, M., 26; Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to examine the long-term sustainability of recurring election technology replacement.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 248.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances and whether the costs of such testing should be distributed between state and local governments. Much of the testing of such items is performed by the Nebraska State Patrol criminalistics laboratory. The interim study shall include an examination of the cost to operate such laboratory, to employ testing analysts and other staff, and to perform requested testing as an obligation of the state as funded by the state budget. The interim study shall also examine the chemical testing done for local and county agencies and the requests made for testing and analysis by county-level prosecutors where costs are paid by the state.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 249.** Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine how the state administers federal Older Americans Act funds. The issues addressed by this interim study shall include, but not be limited to, creating a pilot program to allow a county or a group of counties to administer Older Americans Act funds directly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 250.** Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine programs and policies relating to the development and implementation of the comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan, pursuant to section 81-6,122.

The study committee shall seek the input of the Department of Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB720:  
AM1864

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 27, line 10, strike "(1)(h)" and insert "(1)(i)".
- 2 2. On page 28, after line 25, insert the following new subdivision:
- 3 "(h) The credits provided in subsections (4) and (5) of section 32
- 4 of this act may be used to obtain a payment from the state equal to the
- 5 amount which the taxpayer demonstrates to the director was paid by the
- 6 taxpayer for paid family leave at the qualified location or locations
- 7 during the performance period and the carryover period."; and in line 26
- 8 strike "(h)" and insert "(i)".

**SELECT FILE**

**LEGISLATIVE BILL 183.** Senator Chambers offered the following motion:

MO101

Recommit to the Revenue Committee.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 149.** Placed on Final Reading.

**LEGISLATIVE BILL 532.** Placed on Final Reading.

ST37

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Cavanaugh amendment, AM1773, on page 1, line 3, "protection" has been inserted after "harassment".
2. In the Standing Committee amendments, AM674:
  - a. On page 11, line 4, "(i)" has been struck; in line 9 "(ii)" has been struck and "(b)" inserted; in line 13 "(A)" has been struck and "(i)" inserted; in line 14 "(B)(I)" has been struck and "(ii)(A)" inserted; in line 17 "(II)" has been struck and "(B)" inserted; in line 19 "(iii)" has been struck and "(c)" inserted; and in line 31 "available" has been inserted after the comma; and
  - b. On page 16, line 6, "(i)" has been struck and "(a)" inserted; in line 9 "(ii)" has been struck and "(b)" inserted; and in line 12 "(iii)" has been struck and "(c)" inserted.

**LEGISLATIVE BILL 532A.** Placed on Final Reading.

**LEGISLATIVE BILL 657.** Placed on Final Reading Second.

**LEGISLATIVE BILL 657A.** Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

### VISITOR(S)

Visitors to the Chamber were students from Sunny Slope Elementary School, Omaha; and students from Mount View Elementary School, Omaha.

### RECESS

At 5:28 p.m., on a motion by Senator Scheer, the Legislature recessed until 6:15 p.m.

### AFTER RECESS

The Legislature reconvened at 6:15 p.m., President Foley presiding.

### ROLL CALL

The roll was called and all members were present except Senators Groene, La Grone, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 183.** The Chambers motion, MO101, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Briese offered the following motion:  
MO102

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Briese requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 23:

Albrecht	Briese	Gragert	Linehan	Stinner
Blood	Crawford	Halloran	McCollister	Walz
Bostelman	Dorn	Hughes	Moser	Williams
Brandt	Erdman	Kolterman	Murman	
Brewer	Friesen	Lindstrom	Scheer	

Voting in the negative, 7:

Arch	Chambers	Hansen, M.	Hunt
Cavanaugh	Geist	Hilkemann	

Present and not voting, 16:

Bolz	Hilgers	Lowe	Slama
Clements	Howard	McDonnell	Vargas
DeBoer	La Grone	Pansing Brooks	Wayne
Hansen, B.	Lathrop	Quick	Wishart

Excused and not voting, 3:

Groene	Kolowski	Morfeld
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The Briese motion to invoke cloture failed with 23 ayes, 7 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

#### **AMENDMENT(S) - Print in Journal**

Senator Briese filed the following amendment to LB183:

FA80

Amend AM1962

Page 25, line 24 strike "the" replace with "such".

Senator Hilgers filed the following amendment to LB183:

FA81

Amend AM1962

Strike in Section 9 on page 19 subparagraph 'O' lines 14-22.

Senator Cavanaugh filed the following amendment to LB183:

AM1965

(Amendments to AM1962)

1 1. Insert the following new sections:

2 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is

3 amended to read:  
 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
 5 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
 6 on or before July 15, 2014, (b) sixty million three hundred fifty  
 7 thousand dollars on or before July 15, 2015, (c) sixty million three  
 8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
 9 million seven hundred thousand dollars on or before July 15, 2017, (e)  
 10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
 11 million six hundred thousand dollars on or before July 15, 2018, (g)  
 12 sixty-one million three hundred fifty thousand dollars on or before July  
 13 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or  
 14 before every July 15 thereafter from the Nebraska Medicaid  
 15 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust

16 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
17 be reduced by the amount of the unobligated balance in the Nebraska  
18 Health Care Cash Fund at the time the transfer is made. The state  
19 investment officer shall advise the State Treasurer on the amounts to be  
20 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
21 until the fund balance is depleted and from the Nebraska Tobacco  
22 Settlement Trust Fund thereafter in order to sustain such transfers in  
23 perpetuity. The state investment officer shall report electronically to  
24 the Legislature on or before October 1 of every even-numbered year on the  
25 sustainability of such transfers. The Nebraska Health Care Cash Fund  
26 shall also include money received pursuant to section 77-2602. Except as  
1 otherwise provided by law, no more than the amounts specified in this  
2 subsection may be appropriated or transferred from the Nebraska Health  
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the  
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are  
8 funded through the Nebraska Health Care Cash Fund until funding for all  
9 programs with an appropriation from the fund during FY2012-13 are  
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for  
12 investment shall be invested by the state investment officer pursuant to  
13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational  
16 institutions having colleges of medicine in Nebraska and their affiliated  
17 research hospitals in Nebraska, as a condition of receiving any funds  
18 appropriated or transferred from the Nebraska Health Care Cash Fund,  
19 shall not discriminate against any person on the basis of sexual  
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or  
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
23 Board of Regents of the University of Nebraska for the University of  
24 Nebraska Medical Center. It is the intent of the Legislature that these  
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff  
27 and operating costs necessary to carry out the changes made by Laws 2018,  
28 LB439, and not covered by fees or federal funds shall be funded from the  
29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

30 (6)(a) Beginning with fiscal year 2020-21, and every fiscal year  
31 thereafter, one dollar of the one dollar and sixty-four cents special  
1 privilege tax under subsection (1) of section 77-2602 shall be  
2 distributed as follows:

3 (i) Forty percent to the Nebraska Health Care Cash Fund;

4 (ii) Thirty-five percent for medicaid expansion;

5 (iii) Fifteen percent to the University of Nebraska Medical Center  
6 and the Creighton University Medical Center for cancer research;

7 (iv) Five percent for the Tobacco Prevention and Control Program;

8 and

9 (v) Five percent for addiction treatment services.

10 Sec. 10. Section 77-2602, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 77-2602 (1) Every stamping agent engaged in distributing or selling  
13 cigarettes at wholesale in this state shall pay to the Tax Commissioner  
14 of this state a special privilege tax. This shall be in addition to all  
15 other taxes. It shall be paid prior to or at the time of the sale, gift,  
16 or delivery to the retail dealer in the several amounts as follows: On  
17 each package of cigarettes containing not more than twenty cigarettes,  
18 one dollar and sixty-four cents per package; and on packages containing  
19 more than twenty cigarettes, the same tax as provided on packages  
20 containing not more than twenty cigarettes for the first twenty  
21 cigarettes in each package and a tax of one-twentieth of the tax on the  
22 first twenty cigarettes on each cigarette in excess of twenty cigarettes  
23 in each package.

24 (2) Beginning October 1, 2004, the State Treasurer shall place the  
25 equivalent of forty-nine cents of such tax in the General Fund. The State  
26 Treasurer shall reduce the amount placed in the General Fund under this  
27 subsection by the amount prescribed in subdivision (3)(d) of this  
28 section. For purposes of this section, the equivalent of a specified  
29 number of cents of the tax shall mean that portion of the proceeds of the  
30 tax equal to the specified number divided by the tax rate per package of  
31 cigarettes containing not more than twenty cigarettes.

1 (3) The State Treasurer shall distribute the remaining proceeds of  
2 such tax in the following order:

3 (a) First, beginning July 1, 1980, the State Treasurer shall place  
4 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation  
5 Development Cash Fund. For fiscal year distributions occurring after  
6 FY1998-99, the distribution under this subdivision shall not be less than  
7 the amount distributed under this subdivision for FY1997-98. Any money  
8 needed to increase the amount distributed under this subdivision to the  
9 FY1997-98 amount shall reduce the distribution to the General Fund;

10 (b) Second, beginning July 1, 1993, the State Treasurer shall place  
11 the equivalent of three cents of such tax in the Health and Human  
12 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal  
13 year distributions occurring after FY1998-99, the distribution under this  
14 subdivision shall not be less than the amount distributed under this  
15 subdivision for FY1997-98. Any money needed to increase the amount  
16 distributed under this subdivision to the FY1997-98 amount shall reduce  
17 the distribution to the General Fund;

18 (c) Third, beginning October 1, 2002, and continuing until all the  
19 purposes of the Deferred Building Renewal Act have been fulfilled, the  
20 State Treasurer shall place the equivalent of seven cents of such tax in  
21 the Building Renewal Allocation Fund. The distribution under this  
22 subdivision shall not be less than the amount distributed under this  
23 subdivision for FY1997-98. Any money needed to increase the amount  
24 distributed under this subdivision to the FY1997-98 amount shall reduce  
25 the distribution to the General Fund;

26 (d) Fourth, until July 1, 2009, the State Treasurer shall place in  
27 the Municipal Infrastructure Redevelopment Fund the sum of five hundred  
28 twenty thousand dollars each fiscal year to carry out the Municipal  
29 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate  
30 the sum of five hundred twenty thousand dollars each year for fiscal year  
31 2003-04 through fiscal year 2008-09;

1 (e) Fifth, beginning July 1, 2001, and continuing until June 30,  
2 2008, the State Treasurer shall place the equivalent of two cents of such  
3 tax in the Information Technology Infrastructure Fund. The distribution  
4 under this subdivision shall not be less than two million fifty thousand  
5 dollars. Any money needed to increase the amount distributed under this  
6 subdivision to two million fifty thousand dollars shall reduce the  
7 distribution to the General Fund;

8 (f) Sixth, beginning July 1, 2001, and continuing until June 30,  
9 2016, the State Treasurer shall place one million dollars each fiscal  
10 year in the City of the Primary Class Development Fund. If necessary, the  
11 State Treasurer shall reduce the distribution of tax proceeds to the  
12 General Fund pursuant to subsection (2) of this section by such amount  
13 required to fulfill the one million dollars to be distributed pursuant to  
14 this subdivision;

15 (g) Seventh, beginning July 1, 2001, and continuing until June 30,  
16 2016, the State Treasurer shall place one million five hundred thousand  
17 dollars each fiscal year in the City of the Metropolitan Class  
18 Development Fund. If necessary, the State Treasurer shall reduce the  
19 distribution of tax proceeds to the General Fund pursuant to subsection  
20 (2) of this section by such amount required to fulfill the one million  
21 five hundred thousand dollars to be distributed pursuant to this  
22 subdivision;

23 (h) Eighth, beginning July 1, 2008, and continuing until June 30,  
24 2009, the State Treasurer shall place the equivalent of two million fifty  
25 thousand dollars of such tax in the Nebraska Public Safety Communication  
26 System Cash Fund. Beginning July 1, 2009, and continuing until June 30,  
27 2016, the State Treasurer shall place the equivalent of two million five  
28 hundred seventy thousand dollars of such tax in the Nebraska Public  
29 Safety Communication System Cash Fund. Beginning July 1, 2016, and every  
30 fiscal year thereafter, the State Treasurer shall place the equivalent of  
31 three million eight hundred twenty thousand dollars of such tax in the  
1 Nebraska Public Safety Communication System Cash Fund. If necessary, the  
2 State Treasurer shall reduce the distribution of tax proceeds to the  
3 General Fund pursuant to subsection (2) of this section by such amount  
4 required to fulfill the distribution pursuant to this subdivision; and

5 (i) Ninth, beginning July 1, 2016, and every fiscal year thereafter,  
6 the State Treasurer shall place the equivalent of one million two hundred  
7 fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund.  
8 If necessary, the State Treasurer shall reduce the distribution of tax  
9 proceeds to the General Fund pursuant to subsection (2) of this section  
10 by such amount required to fulfill the distribution pursuant to this  
11 subdivision.

12 (4) If, after distributing the proceeds of such tax pursuant to

13 subsections (2) and (3) of this section, any proceeds of such tax remain,  
 14 the State Treasurer shall place such remainder in the Nebraska Capital  
 15 Construction Fund.

16 (5) The Legislature hereby finds and determines that the projects  
 17 funded from the Municipal Infrastructure Redevelopment Fund and the  
 18 Building Renewal Allocation Fund are of critical importance to the State  
 19 of Nebraska. It is the intent of the Legislature that the allocations and  
 20 appropriations made by the Legislature to such funds or, in the case of  
 21 allocations for the Municipal Infrastructure Redevelopment Fund, to the  
 22 particular municipality's account not be reduced until all contracts and  
 23 securities relating to the construction and financing of the projects or  
 24 portions of the projects funded from such funds or accounts of such funds  
 25 are completed or paid or, in the case of the Municipal Infrastructure  
 26 Redevelopment Fund, the earlier of such date or July 1, 2009, and that  
 27 until such time any reductions in the cigarette tax rate made by the  
 28 Legislature shall be simultaneously accompanied by equivalent reductions  
 29 in the amount dedicated to the General Fund from cigarette tax revenue.  
 30 Any provision made by the Legislature for distribution of the proceeds of  
 31 the cigarette tax for projects or programs other than those to (a) the  
 1 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,  
 2 (c) the Health and Human Services Cash Fund, (d) the Municipal  
 3 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation  
 4 Fund, (f) the Information Technology Infrastructure Fund, (g) the City of  
 5 the Primary Class Development Fund, (h) the City of the Metropolitan  
 6 Class Development Fund, (i) the Nebraska Public Safety Communication  
 7 System Cash Fund, and (j) the Nebraska Health Care Cash Fund shall not be  
 8 made a higher priority than or an equal priority to any of the programs  
 9 or projects specified in subdivisions (a) through (j) of this subsection.  
 10 2. Renumber the remaining sections and correct internal references  
 11 accordingly.  
 12 3. Correct the operative date and repealer sections so that the  
 13 sections added by this amendment become operative on their effective  
 14 date.

Senator Chambers filed the following amendment to LB183:  
 AM1966

(Amendments to AM1962)

1 1. On page 19, line 10, strike "hair care."; and in line 11 after  
 2 "services" insert "and hair care".

Senator Chambers filed the following amendment to LB183:  
 AM1967

(Amendments to AM1962)

1 1. On page 18, lines 20 and 21, strike the new matter.

Senator Cavanaugh filed the following amendment to LB183:  
AM1968

(Amendments to AM1962)

- 1 1. On page 8, line 14, strike the new matter and reinstate the  
2 stricken matter; in line 15 reinstate the stricken "repair services";  
3 and in line 21 reinstate the stricken "legal".
- 4 2. On page 18, line 17, reinstate the stricken matter; and in lines  
5 20 and 21, strike the new matter.
- 6 3. On page 20, line 8, after the semicolon insert "and"; in line 9  
7 strike the semicolon and insert an underscored period; and strike lines  
8 10 through 14.
- 9 4. On page 21, strike lines 26 through 31.
- 10 5. On page 22, lines 1 through 23, strike the new matter and  
11 reinstate the stricken matter; strike beginning with "bottled" in line 27  
12 through the first comma in line 28; and in lines 29 and 31, strike the  
13 new matter and reinstate the stricken matter.
- 14 6. On page 23, line 22, strike "(h)" and insert "(f)"; in line 26  
15 strike "(i)" and insert "(g)"; and strike lines 28 through 31.

Senator Hunt filed the following amendment to LB183:  
AM1971

(Amendments to AM1962)

- 1 1. On page 21, strike lines 26 through 31.
- 2 2. On page 22, strike lines 1 and 2; in line 3 strike "(c)" and  
3 insert "(b)"; in line 8 strike "(d)" and insert "(c)"; in line 14 strike  
4 "(2)(d)(i)" and insert "(2)(c)(i)"; in line 23 strike "(e)" and insert  
5 "(d)"; in line 27 strike "bottled water"; in line 29 strike "(f)" and  
6 insert "(e)"; and in line 31 strike "(g)" and insert "(f)".
- 7 3. On page 23, line 22, strike "(h)" and insert "(g)"; in line 26  
8 strike "(i)" and insert "(h)"; and strike lines 28 through 31.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 251.** Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of food deserts in Nebraska and make recommendations to combat the rise of food deserts and increase access to healthy, affordable food. The study shall include, but not be limited to, an examination of the following issues:

- (1) National best practices relating to state and local efforts to provide healthy, affordable food to low-income areas;
- (2) Resources the state may use to combat food deserts;
- (3) A review of the Department of Economic Development's ability to establish a financing program involving public, private, and nonprofit sectors to increase access to healthy food;
- (4) The ways in which food insecurity affects thousands of Nebraska families; and

(5) The benefits of access to healthy, affordable food for rural, low-income, and predominantly minority communities.

The interim study shall obtain input from interested parties including the Department of Economic Development and statewide stakeholders in providing healthy, affordable food.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 252.** Introduced by Vargas, 7; Hansen, B., 16.

**PURPOSE:** The purpose of this interim study is to review employment opportunities and barriers to employment for minority and at-risk populations and to make recommendations to increase success in obtaining employment for such populations. For purposes of this interim study, at-risk populations means populations at-risk of becoming homeless.

The interim study shall include, but not be limited to, an examination of the following:

(1) Rates of underemployment of minority and at-risk populations across Nebraska;

(2) Reasons for underemployment of minority and at-risk populations across Nebraska;

(3) Barriers to employment for minority and at-risk populations, including, but not limited to, access to transportation, childcare, and housing;

(4) Current workforce initiatives serving minority and at-risk populations, including but not limited to, an analysis of currently eligible Workforce Innovation and Opportunity Act training providers and their willingness and capacity to serve minority and at-risk populations;

(5) Best practices for increasing access to employment and income stability for minority and at-risk populations; and

(6) Recommendations to increase the effectiveness of workforce initiatives to better serve minority and at-risk populations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION(S) - Return LB86 to Select File**

Senator Wayne moved to return LB86 to Select File for his specific amendment, AM1912, found on page 1649.

The Wayne motion to return prevailed with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 86.** The Wayne specific amendment, AM1912, found on page 1649, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION(S) - Return LB186 to Select File**

Senator Lindstrom moved to return LB186 to Select File for his specific amendment, AM1937, found on page 1691.

The Lindstrom motion to return prevailed with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 186.** The Lindstrom specific amendment, AM1937, found on page 1691, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Amendment to LB186**

Senator Lindstrom withdrew his amendment, AM1823, found on page 1626, to LB186.

**WITHDRAW - Amendment to LB186A**

Senator Lindstrom withdrew his amendment, AM1814, found on page 1627, to LB186A.

**MOTION(S) - Return LB186A to Select File**

Senator Lindstrom moved to return LB186A to Select File for his specific amendment, AM1938, found on page 1692.

The Lindstrom motion to return prevailed with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 186A.** The Lindstrom specific amendment, AM1938, found on page 1692, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 630.** ER126, found on page 1607, was adopted.

Senator Morfeld offered the following amendment:

AM1961

(Amendments to Standing Committee amendments, AM1635)

- 1 1. On page 1, line 15, strike "section" and insert "subsection"; in
- 2 line 20, strike "Violation" and insert "A first or second violation"; in
- 3 line 21 after the period insert "A third or subsequent violation of this
- 4 subsection is a Class II felony."; in line 25 strike "when" and after
- 5 "(a)" insert "if"; and in line 27 after "(c)" insert "if".
- 6 2. On page 3, lines 7 and 8, strike the new matter and reinstate the
- 7 stricken matter; in line 25 strike "the"; in line 26 strike "of"; in line
- 8 28 after "Recording" insert "another person in a state of undress"; and
- 9 in line 29 strike "of another person in a state of undress".
- 10 3. On page 4, lines 9, 10, 13, and 15, strike "or" and show as
- 11 stricken; in lines 17 and 25 after "property" insert ", money, or other
- 12 thing of value"; and in lines 26 and 28 after "lawsuit" insert an
- 13 underscored comma.
- 14 4. On page 5, line 13, after the period insert "A second or
- 15 subsequent conviction under this subsection is a Class IV felony.".
- 16 5. On page 7, after line 9, insert the following new subsection:
- 17 "(6) The definitions in section 28-1463.02 shall apply to this
- 18 section.".

### SENATOR WILLIAMS PRESIDING

### PRESIDENT FOLEY PRESIDING

The Morfeld amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senator Hilgers offered the following amendment:

AM1923

(Amendments to Standing Committee amendments, AM1635)

- 1 1. On page 11, lines 8 through 12, strike the new matter.
- 2 2. On page 12, lines 30 and 31, strike the new matter.
- 3 3. On page 13, lines 1 through 3, strike the new matter.

Senator Hilgers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Hilgers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Albrecht	Dorn	Hilgers	Lowe	Williams
Arch	Erdman	Hilkemann	Moser	Wishart
Bostelman	Geist	Hughes	Murman	
Brewer	Gragert	La Grone	Scheer	
Briese	Halloran	Lindstrom	Slama	
Clements	Hansen, B.	Linehan	Wayne	

Voting in the negative, 14:

Blood	Chambers	Hunt	McDonnell	Quick
Bolz	Crawford	Lathrop	Morfeld	Walz
Cavanaugh	DeBoer	McCollister	Pansing Brooks	

Present and not voting, 6:

Brandt	Hansen, M.	Stinner
Friesen	Howard	Vargas

Excused and not voting, 3:

Groene	Kolowski	Kolterman
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The Hilgers amendment was adopted with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 519.** ER129, found on page 1608, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 462.** ER127, found on page 1608, was offered.

ER127 was adopted.

Senator Cavanaugh offered the following motion:

MO103

Recommit to the Transportation and Telecommunications Committee.

Senator Cavanaugh withdrew her motion to recommit to committee.

Senator Friesen offered his amendment, AM1909, found on page 1626.

The Friesen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680.** ER128, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 397.** ER130, found in this day's Journal, was adopted.

Senator Briese offered the following amendment:  
AM1950

(Amendments to E&R amendments, ER130)

1 1. Strike section 2 and insert the following new section:

2 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:

5 (1) Alternative nicotine product means any noncombustible product  
6 containing nicotine that is intended for human consumption, whether  
7 chewed, absorbed, dissolved, or ingested by any other means. Alternative  
8 nicotine product does not include any electronic nicotine delivery system  
9 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product  
10 regulated as a drug or device by the United States Food and Drug  
11 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and  
12 Cosmetic Act;

13 (2)(a) Electronic nicotine delivery system means any product or  
14 device containing nicotine, tobacco, or tobacco derivatives that employs  
15 a heating element, power source, electronic circuit, or other electronic,  
16 chemical, or mechanical means, regardless of shape or size, to simulate  
17 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
18 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
19 product or device.

20 (b) Electronic nicotine delivery system includes, but is not limited  
21 to, the following:

22 (i) Any substance containing nicotine, tobacco, or tobacco  
23 derivatives, whether sold separately or sold in combination with a  
24 product or device that is intended to deliver to a person nicotine,  
25 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
26 form.

1 (ii) Any product or device marketed, manufactured, distributed, or  
2 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
3 electronic pipe, electronic hookah, or similar products, names,

4 descriptors, or devices; and  
5 (iii) Any component, part, or accessory of such a product or device  
6 that is used during operation of the product or device when sold in  
7 combination with any substance containing nicotine, tobacco, or tobacco  
8 derivatives.  
9 (c) Electronic nicotine delivery system does not include the  
10 following:  
11 (i) An alternative nicotine product, cigarette, cigar, or other  
12 tobacco product, or any product regulated as a drug or device by the  
13 United States Food and Drug Administration under Chapter V of the Federal  
14 Food, Drug, and Cosmetic Act; or  
15 (ii) Any component, part, or accessory of such a product or device  
16 that is used during operation of the product or device when not sold in  
17 combination with any substance containing nicotine, tobacco, or tobacco  
18 derivatives;  
19 (3) ~~(2)~~ Self-service display means a retail display that contains a  
20 tobacco product, a tobacco-derived product, an electronic nicotine  
21 ~~delivery system a vapor product,~~ or an alternative nicotine product and  
22 is located in an area openly accessible to a retailer's customers and  
23 from which such customers can readily access the product without the  
24 assistance of a salesperson. Self-service display does not include a  
25 display case that holds tobacco products, tobacco-derived products,  
26 electronic nicotine delivery systems ~~vapor products,~~ or alternative  
27 nicotine products behind locked doors; and  
28 (4) ~~(3)~~ Tobacco specialty store means a retail store that (a)  
29 derives at least seventy-five percent of its revenue from tobacco  
30 products, tobacco-derived products, electronic nicotine delivery systems  
31 ~~vapor products,~~ or alternative nicotine products and (b) does not permit  
1 minors under the age of eighteen years to enter the premises unless  
2 accompanied by a parent or legal guardian; and  
3 (4) ~~Vapor product means any noncombustible product containing~~  
4 ~~nicotine that employs a heating element, power source, electronic~~  
5 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~  
6 ~~of shape or size, that can be used to produce vapor from nicotine in a~~  
7 ~~solution or other form. Vapor product includes any electronic cigarette,~~  
8 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~  
9 ~~product or device and any vapor cartridge or other container of nicotine~~  
10 ~~in a solution or other form that is intended to be used with or in an~~  
11 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~  
12 ~~pipe, or similar product or device. Vapor product does not include an~~  
13 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~  
14 ~~or any product regulated as a drug or device by the United States Food~~  
15 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~  
16 ~~Cosmetic Act.~~

The Briese amendment was adopted with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 481.** ER131, found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 481A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 593.** ER133, found in this day's Journal, was adopted.

Senator Lathrop offered the following amendment:

AM1935

1 1. Insert the following new section:

2 Sec. 7. Section 68-989, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 68-989 (1) This section shall apply to the fullest extent permitted  
5 by federal law and understandings entered into between the state and the  
6 federal government. An applicant for medical assistance, or a person  
7 acting on behalf of the applicant, shall disclose at the time of  
8 application and, to the extent not owned at the time of application, at  
9 the time of any subsequent review of the applicant's eligibility for  
10 medical assistance all of his or her interests in any assets, including,  
11 but not limited to, any security, bank account, intellectual property  
12 right, contractual or lease right, real estate, trust, corporation,  
13 limited liability company, or other entity, whether such interest is  
14 direct or indirect ~~or~~ vested or contingent, ~~or otherwise~~. The applicant  
15 or a person acting on behalf of the applicant shall also disclose any ~~:~~  
16 ~~(a) Any~~ income derived from such interests and the source of the  
17 income. ~~;~~ ~~and~~

18 ~~(b) Whether the income is generated directly or indirectly from (i)~~  
19 ~~the applicant's spouse or an individual who is related to the applicant~~  
20 ~~as described in section 77-2004 or 77-2005 or (ii) an entity controlled~~  
21 ~~by one or more individuals described in subdivision (1)(b)(i) of this~~  
22 ~~section. For purposes of this subdivision, control means individuals~~  
23 ~~listed in subdivision (1)(b)(i) of this section together own or have the~~  
24 ~~option to acquire more than fifty percent of the entity.~~

25 (2) If the applicant or a person acting on behalf of the applicant  
26 willfully fails to make the disclosures required in this section, any  
27 medical assistance obtained as a result of such failure is deemed  
1 unlawfully obtained and the department shall seek recovery of such  
2 medical assistance from the applicant or the estate of the recipient of  
3 medical assistance as defined in subdivision (4)(b) of section 68-919.

4 ~~(3)(a) (3)~~ If income is derived from a related party as described in  
5 subdivision ~~(3)(c) (1)(b)~~ of this section, the department shall determine  
6 whether the income is or, in the case of a written lease, whether the  
7 terms of the lease at the time it was entered into were commercially

8 reasonable and consistent with income or lease terms derived in the  
9 relevant market area and negotiated at arms length between parties who  
10 are not related.

11 (b) If the department determines that the income or lease fails to  
12 meet these requirements, such income or lease shall be considered a  
13 transfer of the applicant's assets for less than full consideration and  
14 the department shall consider the resulting shortfall, to the fullest  
15 extent permitted by federal law, when determining eligibility for medical  
16 assistance or any share of cost or as otherwise required by law. The  
17 burden of proof of commercial reasonableness rests with the applicant.  
18 The department's determination on commercial reasonableness may be  
19 appealed, and the appeal shall be in accordance with the Administrative  
20 Procedure Act.

21 (c) A related party is (i) the applicant's spouse or an individual  
22 who is related to the applicant as described in section 77-2004 or  
23 77-2005 or (ii) an entity controlled by one or more individuals described  
24 in subdivision (1)(c)(i) of this section. For purposes of this  
25 subdivision, control means individuals listed in subdivision (1)(c)(i) of  
26 this section who together own or have the option to acquire more than  
27 fifty percent of the entity.

28 (4) An action for recovery of medical assistance obtained in  
29 violation of this section may be brought by the department against the  
30 applicant or against the estate of the recipient of medical assistance as  
31 defined in subdivision (4)(b) of section 68-919 at any time before five  
1 years after the death of both the applicant and the applicant's spouse,  
2 if any.

3 (5) The department may adopt and promulgate rules and regulations to  
4 carry out this section. The rules and regulations may include guidance on  
5 the commercial reasonableness of lease terms.

6 2. On page 33, line 27, after "68-919," insert "68-989,".

7 3. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 13 present and  
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 253.** Introduced by Brewer, 43; Wayne,  
13.

PURPOSE: The purpose of this interim study is to investigate the laws of  
self-defense and defense of third parties as they apply to the defense of  
persons victimized by domestic violence and human trafficking. The interim  
study shall also examine how criminal justice procedures and institutions  
could be reformed to better protect victims of domestic violence and human  
trafficking and the private volunteers and charity workers who intervene to  
rescue and protect victims from abusers and traffickers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 288.** Title read. Considered.

Committee AM1594, found on page 1594, was offered.

Senator Linehan offered her amendment, AM1929, found on page 1652, to the committee amendment.

The Linehan amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Friesen offered the following amendment to the committee amendment:

AM1958

(Amendments to Standing Committee amendments, AM1594)

1 1. Strike sections 1, 2, and 3.

2 2. Renumber the remaining sections and correct the repealer

3 accordingly.

### SENATOR WILLIAMS PRESIDING

Senator Friesen moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Friesen amendment lost with 15 ayes, 7 nays, 21 present and not voting, and 6 excused and not voting.

Senator Linehan withdrew her amendments, AM268 and AM974, found on pages 500 and 983.

The Chair declared the call raised.

Senator Crawford offered the following amendment to the committee amendment:

AM1959

(Amendments to Standing Committee amendments, AM1594)

1 1. On page 5, lines 15 through 31, strike the new matter and

2 reinstate the stricken matter.

3 2. On page 6, strike lines 1 through 25.

Pending.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 86.** Placed on Final Reading Second.

**LEGISLATIVE BILL 186.** Placed on Final Reading Second.

**LEGISLATIVE BILL 186A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 397.** Placed on Final Reading.

**LEGISLATIVE BILL 462.** Placed on Final Reading.

**LEGISLATIVE BILL 481.** Placed on Final Reading.

**LEGISLATIVE BILL 481A.** Placed on Final Reading.

**LEGISLATIVE BILL 519.** Placed on Final Reading.

**LEGISLATIVE BILL 593.** Placed on Final Reading.

**LEGISLATIVE BILL 630.** Placed on Final Reading.

**LEGISLATIVE BILL 680.** Placed on Final Reading.

ST38

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1537, on page 3, line 30, "this subsection" has been struck and "this section" inserted.

(Signed) Julie Slama, Chairperson

### **VISITOR(S)**

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

### **ADJOURNMENT**

At 11:36 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, May 23, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FIRST DAY - MAY 23, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 23, 2019

**PRAYER**

The prayer was offered by Chaplain Ben Stangl, West Point Family Worship Center, Blair.

**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 Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eightieth day was approved.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Allen Simpson - Public Employees Retirement Board

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

Michael D. Jahnke - Public Employees Retirement Board

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

Janis Elliott - Public Employees Retirement Board

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 254.** Introduced by Brandt, 32.

WHEREAS, Sharon V. Apking of Alexandria was a distinguished member of the Legislature, serving from 1981-1983; and

WHEREAS, Senator Apking grew up in Bruning, Potter, and Wayne and attended Wayne State College, Indiana University, and the University of Nebraska; and

WHEREAS, Senator Apking married William Tappan Apking in 1958 and the couple raised two children, David and Elizabeth; and

WHEREAS, Senator Apking served for many years on the Republican State Central Committee; and

WHEREAS, Senator Apking remained active in policymaking following her term in the Legislature, working as a lobbyist and consultant for rural schools and economic development, along with writing speeches, technical brochures, and a personal column for local papers, and as a member of local and state boards; and

WHEREAS, Senator Apking passed away on May 16, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors the memory of Sharon V. Apking for her personal accomplishments and service to the State of Nebraska.
2. That the Legislature extends its sympathy and condolences to the family of Sharon V. Apking.
3. That a copy of this resolution be sent to the family of Sharon V. Apking.

Laid over.

**LEGISLATIVE RESOLUTION 255.** Introduced by Kolowski, 31.

WHEREAS, the Millard West High School baseball team won the 2019 Class A State Baseball Championship; and

WHEREAS, the Millard West Wildcats defeated the Millard South Patriots 2-1 to win the school's first state baseball championship; and

WHEREAS, Head Coach Steve Frey has served as a mentor and leader for the team; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Millard West High School baseball team and Head Coach Steve Frey on winning the 2019 Class A State Baseball Championship.

2. That a copy of this resolution be sent to Millard West High School.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 288.** Committee AM1594, found on page 1594 and considered on page 1750, was renewed.

Senator Crawford renewed her amendment, AM1959, found on page 1750, to the committee amendment.

Senator Crawford withdrew her amendment.

Pending.

**LEGISLATIVE BILL 436.** Title read. Considered.

Committee AM1601, found on page 1663, was adopted with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 209.** ER105, found on page 1433, was adopted.

Senator Chambers offered his amendment, FA61, found on page 1335.

#### **SENATOR HILGERS PRESIDING**

Senator Hunt offered the following motion:

MO104

Recommit to the Judiciary Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Chambers withdrew his amendment, FA61.

Senator Wishart withdrew her amendment, FA63, found on page 1379.

Senator Blood offered the following amendment:

AM1875

(Amendments to Standing Committee amendments, AM1432)

1 1. Insert the following new section:

2 Sec. 4. Section 28-806, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 28-806 (1) A person, eighteen years of age or over, commits public

5 indecency if such person performs or procures, or assists any other

6 person to perform, in a public place and where the conduct may reasonably

7 be expected to be viewed by members of the public:

8 (a) An act of sexual penetration; or

9 (b) An exposure of the genitals of the body done with intent to

10 affront or alarm any person; or

11 (c) A lewd fondling or caressing of the body of another person of

12 the same or opposite sex.

13 (2) Public indecency is a Class II misdemeanor.

14 (3) It shall not be a violation of this section for an individual to

15 breast-feed a child in a public place.

16 2. Renumber the remaining sections and correct the repealer

17 accordingly.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 256.** Introduced by La Grone, 49.

WHEREAS, Dr. Kevin Riley will retire as Gretna Public Schools superintendent at the end of this school year after 37 years of service to the district; and

WHEREAS, Dr. Kevin Riley, an Omaha native, attended Bellevue College and later transferred to the University of Nebraska at Omaha where he earned a bachelor's degree in education and a master's degree in educational administration; and

WHEREAS, Dr. Kevin Riley began his teaching career at Millard Junior High teaching art and coaching basketball and golf; and

WHEREAS, Dr. Kevin Riley began his career with the Gretna school district as the assistant principal of the junior-senior high school; and

WHEREAS, Dr. Kevin Riley served as the Gretna High School principal for 14 years before becoming the superintendent, a position he has held for 20 years; and

WHEREAS, the school district has grown from 1,361 students when Dr. Kevin Riley began as the superintendent, to over 5,300 students this school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Dr. Kevin Riley's 37 years of service to students and Gretna Public Schools and congratulates him on his retirement.
2. That a copy of this resolution be sent to Dr. Kevin Riley.

Laid over.

### **VISITOR(S)**

Visitors to the Chamber were Isabel Pattee from Lincoln; Senator Ben Hansen's wife and daughter, Jill and Olivia Hansen, from Blair; and Rachel Lewis and Kate Fiandt from Omaha.

### **RECESS**

At 12:02 p.m., on a motion by Senator Williams, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

### **ROLL CALL**

The roll was called and all members were present.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 257.** Introduced by Stinner, 48.

WHEREAS, the Nebraska Association of Former State Legislators has offered a gift of labor and materials of approximate value of \$330,000 to restore the gardens of the Capitol Courtyards; and

WHEREAS, the gift of labor and materials will be used to restore the gardens to the original design by Ernst Herminghaus with modifications agreed to by the State Capitol Administrator; and

WHEREAS, the installation of the gardens, including irrigation and drainage systems, plants, and other improvements within the courtyards of the State Capitol, will be accomplished by the funding provided by the gift and ongoing maintenance will be accomplished with existing Capitol Grounds personnel; and

WHEREAS, the Nebraska Association of Former State Legislators and the Office of the Nebraska Capitol Commission have entered into a Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration which provides, among other specifications, that the State Capitol Administrator will provide oversight and supervise the work to be performed; and

WHEREAS, restoring the gardens within the courtyards of the State Capitol will provide an investment in the real property of the State of Nebraska which will be for the benefit of the people of the State of Nebraska; and

WHEREAS, the Appropriations Committee of the Legislature held a public hearing on this matter on May 23, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift of labor and materials from the Nebraska Association of Former State Legislators for the restoration of the gardens of the State Capitol Courtyards in the approximate value of \$330,000.

2. That such approval is granted with the understanding that the gift will be implemented in accordance with the Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 209.** Senator Blood renewed her amendment, AM1875, found in this day's Journal.

Senator Albrecht offered the following motion:

MO105

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Albrecht requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 35:

Albrecht	Clements	Groene	La Grone	Murman
Arch	DeBoer	Halloran	Lathrop	Quick
Bolz	Dorn	Hansen, B.	Lindstrom	Scheer
Bostelman	Erdman	Hilgers	Linehan	Slama
Brandt	Friesen	Hilkemann	Lowe	Stinner
Brewer	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Kolterman	Moser	Williams

Voting in the negative, 11:

Blood	Howard	McCollister	Vargas
Chambers	Hunt	Morfeld	Wishart
Hansen, M.	Kolowski	Pansing Brooks	

Present and not voting, 2:

Cavanaugh Crawford

Excused and not voting, 1:

Wayne

The Albrecht motion to invoke cloture prevailed with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The Blood amendment, AM1875, was adopted with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 36 ayes, 9 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 258.** Introduced by Erdman, 47.

WHEREAS, Bob Jordan was born April 25, 1929, in Crawford; and

WHEREAS, Bob Jordan grew up on the Gayhart place on Montrose Road in Sioux County; and

WHEREAS, Bob Jordan graduated as the valedictorian of his class at Sioux County High School in 1947; and

WHEREAS, Bob Jordan acquired an affinity for horses while trailing cattle with his grandfather from the Jordan homestead near Harrison to pastureland in Node, Wyoming; and

WHEREAS, Bob Jordan won the All-Round title at the Crawford Professional Rodeo Cowboy Association rodeo in the early 1960's; and

WHEREAS, Bob Jordan was granted a lifetime membership to the Professional Rodeo Cowboy Association with a Gold Card number of 601; and

WHEREAS, Bob Jordan recovered from breaking his neck after bulldogging a steer at a rodeo in Crawford in 1963; and

WHEREAS, Bob Jordan built a successful Quarter Horse business; and

WHEREAS, Bob Jordan's colt, Pocodo Jordan, won the 1962 CHAN Silver Cup in the halter class for yearling horse colts; and

WHEREAS, Bob Jordan's mare, Tiny Bay Hancock, made five trips to the American Quarter Horse Association's World Show, earning her Superior in calf roping; and

WHEREAS, Bob Jordan's Triangle J cattle brand can still be seen around the United States today; and

WHEREAS, Bob Jordan married Eldeene Kathleen Preble in 1950 and raised six children; and

WHEREAS, Bob Jordan died at the Rapid City Regional Hospital on April 17, 2007; and

WHEREAS, Bob Jordan will be inducted into the Nebraska Sandhills Cowboy Hall of Fame on June 8, 2019, at the 4-H building at the Cherry County Fairgrounds in Valentine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding work and achievements of Bob Jordan as a horseman, cattleman, cowboy, husband, father, friend, coach, and mentor.
2. That a copy of this resolution be sent to the family of Bob Jordan.

Laid over.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 720.** Placed on Select File with amendment. ER136 is available in the Bill Room.

**LEGISLATIVE BILL 720A.** Placed on Select File.

**LEGISLATIVE BILL 436.** Placed on Select File with amendment. ER135

1 1. On page 1, strike line 2 and insert "Committee; to provide powers 2 and duties for the Nebraska State Data Center program; to provide a 3 termination date; and to declare an emergency.".

(Signed) Julie Slama, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Lathrop filed the following amendment to LB686A:  
FA82  
Strike the enacting clause.

#### **MOTION(S) - Return LB470A to Select File**

Senator La Grone moved to return LB470A to Select File for his specific amendment, AM1896, found on page 1691.

The La Grone motion to return prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 470A.** The La Grone specific amendment, AM1896, found on page 1691, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 15.**

A BILL FOR AN ACT relating to insurance; to adopt the Children of Nebraska Hearing Aid Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 218.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103, 77-117, and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine the terms real property and gross receipts as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

La Grone

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT FOLEY PRESIDING**

#### **LEGISLATIVE BILL 309.**

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2018; to increase the number of district judges in the fourth judicial district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Clements	Hilgers	Lowe	Stinner
Arch	Crawford	Hilkemann	McCollister	Vargas
Blood	DeBoer	Howard	McDonnell	Walz
Bolz	Dorn	Hughes	Morfeld	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolowski	Murman	Wishart
Brewer	Gragert	Kolterman	Pansing Brooks	
Briese	Groene	Lathrop	Quick	
Cavanaugh	Hansen, B.	Lindstrom	Scheer	
Chambers	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Erdman            Halloran

Excused and not voting, 1:

La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB538 to Select File**

Senator Wayne moved to return LB538 to Select File for the following specific amendment:

AM1973

(Amendments to Final Reading copy)

1 1. On page 9, line 14, after "pay" insert "to the department for  
 2 each device in operation in Nebraska"; in line 15 after "dollars" insert  
 3 "plus six percent of the gross revenue of such device for the preceeding  
 4 twelve-month period if the device was in operation for a period of twelve  
 5 or more months at the time the annual decal fee is required to be paid.  
 6 No refunds shall be allowed for any annual decal fees collected by the  
 7 department. The department may grant an extension for payment of the  
 8 annual decal fee upon written request of an owner or operator"; and  
 9 strike beginning with "to" in line 15 through "Nebraska" in line 16.  
 10 2. On page 10, strike lines 25 through 28 and insert the following  
 11 new subsection:  
 12 "(11) The department shall remit any application fee collected under  
 13 subsection (2) of this section to the State Treasurer for credit to the  
 14 Department of Revenue Enforcement Fund. The department shall remit the  
 15 annual decal fees collected under subsection (8) of this section to the  
 16 State Treasurer who shall credit two hundred fifty dollars of each annual  
 17 decal fee to the Department of Revenue Enforcement Fund and the remainder  
 18 of each annual decal fee to the Property Tax Credit Cash Fund.".

Senator Wayne withdrew his motion to return.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB538 with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 538.**

A BILL FOR AN ACT relating to gambling; to amend sections 28-1107, 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, and section 77-5601, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019; to change provisions relating to possession of a gambling device; to define and redefine terms under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties and powers for, the Department of Revenue as prescribed; to restrict operation of a cash device as prescribed; to provide for the use of certain fees for enforcement; to authorize the manufacture, sale, transport, placement, possession, or entry into transactions involving certain cash devices as prescribed; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, M.	Lindstrom	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	DeBoer	Hilkemann	Lowe	Slama
Bolz	Dorn	Howard	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Vargas
Brandt	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Halloran	Wayne
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Excused and not voting, 2:

Brewer            La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 538A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hilgers	Linehan	Scheer
Arch	DeBoer	Hilkemann	Lowe	Slama
Blood	Dorn	Howard	McCollister	Stinner
Bolz	Friesen	Hughes	McDonnell	Vargas
Bostelman	Geist	Hunt	Morfeld	Walz
Brandt	Gragert	Kolowski	Moser	Wayne
Briese	Groene	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	Lathrop	Pansing Brooks	Wishart
Clements	Hansen, M.	Lindstrom	Quick	

Voting in the negative, 0.

Present and not voting, 2:

Erdman            Halloran

Excused and not voting, 3:

Brewer            Chambers            La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB600 with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 600.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 43-1311.03, 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514, 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change eligibility and hearing requirements for the bridge to independence program; to change and eliminate legislative findings, declarations, and intent relating to the Nebraska Children's Commission; to provide, change, and eliminate provisions relating to the administration, membership, and duties of the commission; to eliminate a termination date; to state intent regarding funding; to provide, change, and eliminate duties of the Department of Health and Human Services and the Office of Probation Administration related to the commission; to change and eliminate reporting requirements; to eliminate certain duties of the Bridge to Independence Advisory Committee; to eliminate obsolete provisions; to change transfers of funds affecting the Nebraska Health Care Cash Fund; to change provisions relating to the authority of the deputy public counsel for institutions; to eliminate provisions relating to legislative findings and intent regarding foster care; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Blood	DeBoer	Howard	Lowe	Slama
Bolz	Dorn	Hunt	McCollister	Stinner
Bostelman	Friesen	Kolowski	McDonnell	Vargas
Brandt	Gragert	Kolterman	Morfeld	Walz
Briese	Hansen, B.	La Grone	Murman	Wayne
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Williams
Clements	Hilgers	Lindstrom	Quick	Wishart
Crawford	Hilkemann	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Albrecht	Erdman	Groene	Hughes
Arch	Geist	Halloran	Moser

Excused and not voting, 2:

Brewer            Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 600A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Blood	DeBoer	Hilkemann	McCollister	Slama
Bolz	Dorn	Howard	McDonnell	Stinner
Bostelman	Friesen	Hunt	Morfeld	Vargas
Brandt	Gragert	Kolterman	Murman	Walz
Briese	Hansen, B.	La Grone	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	Lathrop	Quick	Williams
Crawford	Hilgers	Lindstrom	Scheer	Wishart

Voting in the negative, 0.

Present and not voting, 12:

Albrecht	Erdman	Halloran	Linehan
Arch	Geist	Hughes	Lowe
Clements	Groene	Kolowski	Moser

Excused and not voting, 2:

Brewer            Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 641.**

A BILL FOR AN ACT relating to health and human services; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to define 211 Information and Referral Network; to provide for grants; to create a fund; to

change provisions relating to transfers to and from the Nebraska Health Care Cash Fund; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Arch	Dorn	Hilkemann	McCollister	Vargas
Blood	Friesen	Hughes	McDonnell	Walz
Bolz	Geist	Hunt	Morfeld	Wayne
Bostelman	Gragert	Kolowski	Murman	Williams
Brandt	Groene	Kolterman	Pansing Brooks	Wishart
Briese	Halloran	La Grone	Quick	
Cavanaugh	Hansen, B.	Lathrop	Scheer	
Crawford	Hansen, M.	Lindstrom	Slama	
DeBoer	Hilgers	Linehan	Stinner	

Voting in the negative, 0.

Present and not voting, 6:

Albrecht	Erdman	Lowe
Clements	Howard	Moser

Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 641A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Arch	DeBoer	Hilgers	Lindstrom	Scheer
Blood	Dorn	Hilkemann	Linehan	Slama
Bolz	Friesen	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Halloran	Kolterman	Murman	Wayne
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Williams
Crawford	Hansen, M.	Lathrop	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Erdman	Howard	Moser
Clements	Groene	Lowe	

Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 62.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-503.02, Reissue Revised Statutes of Nebraska; to provide for distribution of information regarding and treatment of trichomoniasis; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 123.**

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.04, Revised Statutes Cumulative Supplement, 2018; to add an exemption from data base requirements for certain contracts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilkemann	Lowe	Stinner
Arch	Dorn	Howard	McCollister	Vargas
Blood	Erdman	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Briese	Halloran	La Grone	Pansing Brooks	
Cavanaugh	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	
Crawford	Hilgers	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 135.**

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend section 38-1220, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption from licensing requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hilgers	Lowe	Slama
Arch	DeBoer	Hilkemann	McCollister	Stinner
Blood	Dorn	Hughes	McDonnell	Vargas
Bolz	Erdman	Hunt	Morfeld	Wayne
Bostelman	Friesen	Kolowski	Moser	Williams
Brandt	Geist	La Grone	Murman	Wishart
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh	Hansen, B.	Lindstrom	Quick	
Clements	Hansen, M.	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

Groene	Halloran	Howard	Kolterman	Walz
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Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 220.**

A BILL FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend sections 71-8607 and 71-8611, Reissue Revised Statutes of Nebraska; to adopt changes to federal law regarding vending facility programs; to change provisions relating to priority status for blind persons operating vending facilities on state property; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, B.	La Grone	Quick
Arch	DeBoer	Hansen, M.	Lathrop	Scheer
Blood	Dorn	Hilgers	Lindstrom	Slama
Bolz	Erdman	Hilkemann	McCollister	Stinner
Bostelman	Friesen	Howard	McDonnell	Vargas
Brandt	Geist	Hughes	Morfeld	Walz
Briese	Gragert	Hunt	Moser	Wayne
Cavanaugh	Groene	Kolowski	Murman	Williams
Clements	Halloran	Kolterman	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Linehan        Lowe

Excused and not voting, 2:

Brewer        Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 244.** With Emergency Clause.

A BILL FOR AN ACT relating to the Massage Therapy Practice Act; to amend sections 38-1701, 38-1702, 38-1707, and 38-1715, Reissue Revised Statutes of Nebraska; to provide for mobile massage therapy establishments; to define and redefine terms; to provide for licensure; to change powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, B.	Lathrop	Pansing Brooks
Arch	DeBoer	Hansen, M.	Lindstrom	Quick
Blood	Dorn	Hilgers	Linehan	Scheer
Bolz	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Howard	McCollister	Vargas
Brandt	Geist	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Wayne
Cavanaugh	Groene	Kolowski	Moser	Williams
Clements	Halloran	La Grone	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Kolterman      Stinner

Excused and not voting, 2:

Brewer          Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 248.**

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to amend sections 20-126, 20-128, 20-131.01, 20-131.04, 28-1009.01, 71-4720, and 83-101.14, Reissue Revised Statutes of Nebraska; to change terminology relating to hearing-impaired persons; to remove obsolete provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 260.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Reissue Revised Statutes of Nebraska; to change provisions

relating to recovery audit contractors and a health insurance premium assistance payment program; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	DeBoer	Hansen, M.	Lathrop	Quick
Arch	Dorn	Hilgers	Lindstrom	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bolz	Friesen	Howard	McCollister	Stinner
Bostelman	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Hunt	Morfeld	Walz
Briese	Groene	Kolowski	Moser	Wayne
Cavanaugh	Halloran	Kolterman	Murman	Williams
Crawford	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Clements      Linehan

Excused and not voting, 2:

Brewer      Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 281.**

A BILL FOR AN ACT relating to schools; to provide for posting a child abuse or neglect statewide toll-free number as prescribed; and to provide for creation of a poster.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, M.	Lathrop	Quick
Arch	DeBoer	Hilgers	Lindstrom	Scheer
Blood	Dorn	Hilkemann	Linehan	Slama
Bolz	Friesen	Howard	McCollister	Stinner
Bostelman	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Hunt	Morfeld	Walz
Briese	Groene	Kolowski	Moser	Wayne
Cavanaugh	Halloran	Kolterman	Murman	Williams
Clements	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 2:

Brewer        Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 308.**

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-217 and 25-516.01, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions, voluntary appearances, and waivers of defenses as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 315.**

A BILL FOR AN ACT relating to taxation; to amend sections 77-2002 and 77-2018.02, Reissue Revised Statutes of Nebraska; to provide an exemption relating to life insurance proceeds; to change provisions relating to certain inheritance tax proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 374.**

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to falconry permits; to provide for raptor permits for wildlife abatement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 392.**

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-801, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 414.**

A BILL FOR AN ACT relating to county highway superintendents; to amend section 39-1508, Reissue Revised Statutes of Nebraska; to change duties as prescribed; to eliminate an annual report requirement; to repeal the original section; and to outright repeal section 39-1512, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 427.**

A BILL FOR AN ACT relating to children; to amend section 42-377, Reissue Revised Statutes of Nebraska; to change terminology relating to legitimacy of children; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	DeBoer	Hilgers	Lathrop	Scheer
Blood	Dorn	Hilkemann	Lindstrom	Slama
Bolz	Friesen	Howard	Linehan	Stinner
Bostelman	Geist	Hughes	McCollister	Vargas
Brandt	Gragert	Hunt	McDonnell	Walz
Briese	Groene	Kolowski	Morfeld	Wayne
Cavanaugh	Hansen, B.	Kolterman	Pansing Brooks	Williams
Crawford	Hansen, M.	La Grone	Quick	Wishart

Voting in the negative, 3:

Clements	Erdman	Murman
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Present and not voting, 4:

Arch	Halloran	Lowe	Moser
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Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 447.**

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101.01, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2018; to exempt certain employees of the Nebraska State Historical Society from the State Personnel System; to change provisions relating to election of the board of trustees of the Nebraska State Historical Society; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilgers	Lowe	Stinner
Arch	Dorn	Hilkemann	McCollister	Vargas
Blood	Erdman	Howard	McDonnell	Walz
Bolz	Friesen	Hughes	Morfeld	Wayne
Bostelman	Geist	Hunt	Moser	Williams
Brandt	Gragert	Kolowski	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	
Crawford	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 447A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 454.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change education requirements for issuance of a broker's or salesperson's

license; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 476.**

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2138 and 14-2139, Revised Statutes Cumulative Supplement, 2018; to eliminate a sunset provision relating to certain retail sales of natural gas as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hilgers	Lindstrom	Quick
Arch	DeBoer	Hilkemann	Linehan	Scheer
Blood	Dorn	Howard	Lowe	Slama
Bolz	Friesen	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Groene	Kolterman	Moser	Wayne
Cavanaugh	Hansen, B.	La Grone	Murman	Williams
Clements	Hansen, M.	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman          Halloran

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 505.**

A BILL FOR AN ACT relating to support order payments; to amend section 43-3342.03, Reissue Revised Statutes of Nebraska; to change provisions relating to forwarded and returned payments, collection expenses, and the State Disbursement Unit; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilgers	Lowe	Stinner
Arch	Dorn	Howard	McCollister	Vargas
Blood	Erdman	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	
Crawford	Hansen, M.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 525.**

A BILL FOR AN ACT relating to county government; to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of county real estate; to provide for transfer of an interest in real estate by a plat as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	DeBoer	Hansen, M.	Lathrop	Pansing Brooks
Blood	Dorn	Hilgers	Lindstrom	Quick
Bolz	Erdman	Hilkemann	Linehan	Slama
Bostelman	Friesen	Howard	Lowe	Stinner
Brandt	Geist	Hughes	McCollister	Vargas
Briese	Gragert	Hunt	McDonnell	Walz
Cavanaugh	Groene	Kolowski	Morfeld	Wayne
Clements	Halloran	Kolterman	Moser	Williams
Crawford	Hansen, B.	La Grone	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Arch            Scheer

Excused and not voting, 2:

Brewer        Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 559.**

A BILL FOR AN ACT relating to the State Anatomical Board; to amend sections 71-1001, 71-1003, 71-1004, and 71-1007, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the State Anatomical Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1002, 71-1005, and 71-1006, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	DeBoer	Howard	Lowe	Slama
Arch	Erdman	Hughes	McCollister	Stinner
Blood	Friesen	Hunt	McDonnell	Vargas
Bolz	Geist	Kolowski	Morfeld	Walz
Bostelman	Gragert	Kolterman	Moser	Wayne
Brandt	Halloran	La Grone	Murman	Williams
Briese	Hansen, B.	Lathrop	Pansing Brooks	Wishart
Clements	Hilgers	Lindstrom	Quick	
Crawford	Hilkemann	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh    Dorn            Groene            Hansen, M.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB561 to Select File**

Senator Cavanaugh moved to return LB561 to Select File for the following specific amendment:

FA85

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 561.**

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1204 and 50-1205.01, Revised Statutes Cumulative Supplement, 2018; to adopt updated audit standards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, B.	Lathrop	Quick
Arch	DeBoer	Hansen, M.	Lindstrom	Scheer
Blood	Dorn	Hilgers	Linehan	Slama
Bolz	Erdman	Hilkemann	Lowe	Stinner
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Moser	Wayne
Cavanaugh	Groene	Kolterman	Murman	Williams
Clements	Halloran	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Howard            Morfeld

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 564.**

A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement, 2018; to change the Civic and Community Center Financing Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	McCollister	Stinner
Bolz	Friesen	Howard	McDonnell	Vargas
Bostelman	Geist	Hughes	Morfeld	Wayne
Brandt	Gragert	Hunt	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 4:

Erdman      Kolowski      Lowe      Walz

Excused and not voting, 2:

Brewer      Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 571.**

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to define terms; to require assisted-living facilities to provide grievance procedures to the Department of Health and Human Services as prescribed; to provide a duty for the department; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, B.	Lathrop	Scheer
Arch	DeBoer	Hansen, M.	Lindstrom	Slama
Blood	Dorn	Hilgers	Linehan	Stinner
Bolz	Erdman	Hilkemann	McCollister	Walz
Bostelman	Friesen	Howard	McDonnell	Williams
Brandt	Geist	Hughes	Moser	Wishart
Briese	Gragert	Hunt	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Clements	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 5:

Kolowski      Lowe      Morfeld      Vargas      Wayne

Excused and not voting, 2:

Brewer      Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 571A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Albrecht	Clements	Groene	La Grone	Pansing Brooks
Arch	Crawford	Halloran	Lathrop	Quick
Blood	DeBoer	Hansen, B.	Lindstrom	Scheer
Bolz	Dorn	Hansen, M.	Lowe	Slama
Bostelman	Erdman	Hilgers	McCollister	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Briese	Geist	Hughes	Moser	Williams
Cavanaugh	Gragert	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Howard	Kolowski	Morfeld	Wayne
Hunt	Linehan	Vargas	

Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 609.**

A BILL FOR AN ACT relating to county and local government; to amend sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska, and section 13-2203, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement of mileage and travel expenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, M.	Lindstrom	Quick
Arch	DeBoer	Hilgers	Linehan	Scheer
Blood	Dorn	Hilkemann	Lowe	Slama
Bolz	Friesen	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Groene	Kolterman	Moser	Wayne
Cavanaugh	Halloran	La Grone	Murman	Williams
Clements	Hansen, B.	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman          Howard

Excused and not voting, 2:

Brewer          Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB719 to Select File**

Senator Pansing Brooks moved to return LB719 to Select File for the following specific amendment:

FA86

Strike the enacting clause.

Senator Pansing Brooks withdrew her motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 719.**

A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title Act; to amend section 60-169, Revised Statutes Cumulative Supplement, 2018; to require the reporting of certain information related to certificates of title; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilkemann	Lowe	Stinner
Arch	Dorn	Howard	McCollister	Vargas
Blood	Erdman	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Briese	Halloran	La Grone	Pansing Brooks	
Cavanaugh	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	
Crawford	Hilgers	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB719A to Select File**

Senator Cavanaugh moved to return LB719A to Select File for the following specific amendment:

FA87

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 719A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 719, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	DeBoer	Hilgers	Linehan	Scheer
Arch	Dorn	Hilkemann	Lowe	Slama
Blood	Erdman	Hughes	McCollister	Stinner
Bolz	Friesen	Hunt	McDonnell	Vargas
Bostelman	Geist	Kolowski	Morfeld	Walz
Brandt	Gragert	Kolterman	Moser	Wayne
Briese	Halloran	La Grone	Murman	Williams
Cavanaugh	Hansen, B.	Lathrop	Pansing Brooks	Wishart
Crawford	Hansen, M.	Lindstrom	Quick	

Voting in the negative, 0.

Present and not voting, 3:

Clements	Groene	Howard
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Excused and not voting, 2:

Brewer	Chambers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 726.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to require a protocol for individuals eligible for medical parole; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Albrecht	Clements	Hansen, B.	Lindstrom	Quick
Arch	Crawford	Hansen, M.	Linehan	Scheer
Blood	DeBoer	Hilgers	McCollister	Slama
Bolz	Dorn	Howard	McDonnell	Stinner
Bostelman	Friesen	Hunt	Morfeld	Vargas
Brandt	Geist	Kolterman	Moser	Walz
Briese	Gragert	La Grone	Murman	Wishart
Cavanaugh	Groene	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Erdman	Hilkemann	Kolowski	Wayne
Halloran	Hughes	Low	Williams

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 15, 218, 309, 538, 538A, 600, 600A, 641, 641A, 62, 123, 135, 220, 244, 248, 260, 281, 308, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 559, 561, 564, 571, 571A, 609, 719, 719A, and 726.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 209.** Placed on Final Reading.

ST39

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER105, on page 1, lines 2 and 4, "and 28-345" has been struck and "28-345, and 28-806" inserted; and in line 9 "; to change provisions relating to public indecency" has been inserted after "prescribed".

2. On page 1, line 1, "abortion" has been struck and "crimes and offenses" inserted.

**LEGISLATIVE BILL 470A.** Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 259.** Introduced by Brewer, 43.

WHEREAS, the Niobrara National Scenic River is a seventy-six mile portion of the Niobrara River designated by Congress for preservation in 1991; and

WHEREAS, less than one quarter of one percent of rivers in the United States are designated under the National Wild and Scenic Rivers System; and

WHEREAS, the designation as a scenic river, and the continued preservation and popularity of the Niobrara River, was made possible by

organizations such as the Friends of the Niobrara and their president Bruce Kennedy; and

WHEREAS, the Niobrara Council Office and the Niobrara Visitor Center and Headquarters Office for the Niobrara National Scenic River is located in Valentine; and

WHEREAS, the United States Postal Service is celebrating the Niobrara River through the issuance of 2019 forever stamps in the Wild and Scenic Rivers collection featuring a photo taken by Michael Melford; and

WHEREAS, the Niobrara National Scenic River is one of twelve waterways to be commemorated in the Wild and Scenic Rivers postage stamp collection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Niobrara Council Office and the Niobrara Visitor Center and Headquarters Office for the Niobrara National Scenic River for its outstanding dedicated service and for being recognized by the United States Postal Service through its Wild and Scenic Rivers stamp collection.

2. That copies of this resolution be sent to the Niobrara Council, Bruce Kennedy, Michael Melford, and the post office in Valentine.

Laid over.

**LEGISLATIVE RESOLUTION 260.** Introduced by Walz, 15.

WHEREAS, the Fremont High School boys' track and field team won the 2019 Class A Boys State Track and Field Championships; and

WHEREAS, the Fremont Tiger's boys' track team exemplified outstanding teamwork and dedication; and

WHEREAS, the coaches of the Fremont Tiger's boys' track team, Head Coach Dave Sellon, Coach Ben Zuch, Coach Beth McMahan, Coach Sean McMahan, Coach Seth McClain, and Coach Tony Weinanbt, are leaders and mentors for the team; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Fremont High School boys track and field team members for their outstanding accomplishments at the 2019 Boys State Track and Field Championships.

2. That copies of this resolution be sent to Fremont High School, Head Coach Dave Sellon, Coach Ben Zuch, Coach Beth McMahan, Coach Sean McMahan, Coach Seth McClain, and Coach Tony Weinanbt.

Laid over.

**LEGISLATIVE RESOLUTION 261.** Introduced by Erdman, 47.

WHEREAS, William H. Sydow was born in Rushville, Nebraska, in 1953 and grew up on a small family farm; and

WHEREAS, William H. Sydow earned a bachelor of science degree in Geological Engineering from the South Dakota School of Mines and Technology in 1976; and

WHEREAS, William H. Sydow began his career in petroleum engineering with Amoco Production Company in Riverton, Wyoming; and

WHEREAS, William H. Sydow helped found Barrick Exploration Company in 1981, serving as the company's Vice-President of Exploration; and

WHEREAS, William H. Sydow worked for King Ranch Oil for six years, serving as the company's Exploration Manager and Production Manager, establishing the company's offshore operations in the Gulf of Mexico; and

WHEREAS, William H. Sydow is a member of the Society of Petroleum Engineers and the American Association of Petroleum Geologists; and

WHEREAS, William H. Sydow has served for 25 years as Director of the Nebraska Oil and Gas Conservation Commission; and

WHEREAS, William H. Sydow was honored in May 2014 for his service to the Interstate Oil and Gas Compact Commission by being presented with the E. W. Marland Award; and

WHEREAS, William H. Sydow resides in Sidney, Nebraska, with his wife, Karen, who helped him raise two children, Ed and Jennifer; and

WHEREAS, William H. Sydow is an active member of the Evangelical Free Church of Sidney; and

WHEREAS, William H. Sydow continues to serve on the Cheyenne County Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the excellent service of William H. Sydow to the State of Nebraska and honors him as an outstanding citizen, husband, and father.

2. That a copy of this resolution be sent to William H. Sydow.

Laid over.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 132.** Placed on General File.

**LEGISLATIVE BILL 133.** Placed on General File.

**LEGISLATIVE BILL 238.** Placed on General File.

**LEGISLATIVE BILL 131.** Placed on General File with amendment.

AM1549

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 29-2204, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 29-2204 (1) Except when a term of life imprisonment is required by  
6 law, in imposing a sentence upon an offender for any class of felony  
7 other than a Class III, IIIA, or IV felony, the court shall fix the  
8 minimum and the maximum terms of the sentence to be served within the  
9 limits provided by law. The maximum term shall not be greater than the  
10 maximum limit provided by law, and:

11 (a) The minimum term fixed by the court shall be any term of years  
12 ~~no more less than half of~~ the maximum term imposed by the court; or

13 (b) The minimum term shall be the minimum limit provided by law.

14 (2) When a maximum term of life is imposed by the court for a Class  
15 IB felony, the minimum term fixed by the court shall be any; ~~(a) Any~~  
16 term of years not less than the minimum limit provided by law; ~~or~~  
17 ~~(b) A term of life imprisonment.~~

18 (3) When a maximum term of life is imposed by the court for a Class  
19 IA felony, the minimum term fixed by the court shall be:

20 (a) A term of life imprisonment; or

21 (b) Any term of years not less than the minimum limit provided by  
22 law after consideration of the mitigating factors in section 28-105.02,  
23 if the defendant was under eighteen years of age at the time he or she  
24 committed the crime for which he or she was convicted.

25 (4) When the court is of the opinion that imprisonment may be  
26 appropriate but desires more detailed information as a basis for  
27 determining the sentence to be imposed than has been provided by the  
1 presentence report required by section 29-2261, the court may commit an  
2 offender to the Department of Correctional Services. During that time,  
3 the department shall conduct a complete study of the offender as provided  
4 in section 29-2204.03.

5 (5) Except when a term of life is required by law, whenever the  
6 defendant was under eighteen years of age at the time he or she committed  
7 the crime for which he or she was convicted, the court may, in its  
8 discretion, instead of imposing the penalty provided for the crime, make  
9 such disposition of the defendant as the court deems proper under the  
10 Nebraska Juvenile Code.

11 (6)(a) When imposing an indeterminate sentence upon an offender  
12 under this section, the court shall:

13 (i) Advise the offender on the record the time the offender will  
14 serve on his or her minimum term before attaining parole eligibility  
15 assuming that no good time for which the offender will be eligible is  
16 lost; and

17 (ii) Advise the offender on the record the time the offender will  
18 serve on his or her maximum term before attaining mandatory release  
19 assuming that no good time for which the offender will be eligible is  
20 lost.

21 (b) If any discrepancy exists between the statement of the minimum  
22 limit of the sentence and the statement of parole eligibility or between  
23 the statement of the maximum limit of the sentence and the statement of  
24 mandatory release, the statements of the minimum limit and the maximum

25 limit shall control the calculation of the offender's term.  
26 (c) If the court imposes more than one sentence upon an offender or  
27 imposes a sentence upon an offender who is at that time serving another  
28 sentence, the court shall state whether the sentences are to be  
29 concurrent or consecutive.  
30 Sec. 2. Original section 29-2204, Revised Statutes Cumulative  
31 Supplement, 2018, is repealed.

**LEGISLATIVE BILL 369.** Placed on General File with amendment.  
AM1126

1 1. On page 3, strike lines 7 through 10 and insert:  
2 "(c) A written copy of minutes of any public meeting pertaining to  
3 the agreement as provided in section 84-1413.".

**LEGISLATIVE BILL 388.** Placed on General File with amendment.  
AM803 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

### VISITOR(S)

Visitors to the Chamber were disaster relief personnel Jeanne Savoy, LaKeivea Warren, and Tara Walker from Louisiana, Erika Hughes and Elizabeth Melton from South Carolina, and Bryan Tuma from the Nebraska Emergency Management Agency; Cristine Prentice and Virginia Hill; and Iowa State Representative Mary Ann Hanusa and her husband, Charlie Johnson.

### ADJOURNMENT

At 5:13 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Friday, May 24, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-SECOND DAY - MAY 24, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 24, 2019

**PRAYER**

The prayer was offered by Reverend Steven Peeler, Lutheran Church of the Good Shepherd, Hastings.

**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 Senator Brewer who was excused; and Senator Briese who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 23, 2019, at 5:15 p.m. were the following: LBs 15, 218e, 309, 538, 538A, 600e, 600Ae, 641, 641A, 62, 123, 135, 220, 244e, 248, 260, 281, 308, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 559, 561, 564, 571, 571A, 609, 719, 719A, and 726.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 23, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Richards, Thomas  
Omaha Public Power District (Withdrawn 05/21/2019)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**AMENDMENT(S) - Print in Journal**

Senator Stinner filed the following amendment to LR257:  
AM1974

1 1. Strike the original provisions and insert the following new  
2 provisions:  
3 WHEREAS, the Nebraska Association of Former State Legislators has  
4 offered a gift of labor and materials to restore the gardens of the  
5 Capitol Courtyards; and  
6 WHEREAS, the gift of labor and materials will be used to restore the  
7 gardens to the original design by Ernst Herminghaus with modifications  
8 agreed to by the State Capitol Administrator; and  
9 WHEREAS, the installation of the gardens, including irrigation and  
10 drainage systems, plants, and other improvements within the courtyards of  
11 the State Capitol, will be accomplished by the funding provided by the  
12 gift and ongoing maintenance will be supported with amounts to be made  
13 available by the Nebraska Association of Former State Legislators; and  
14 WHEREAS, the Nebraska Association of Former State Legislators and  
15 the Office of the Nebraska Capitol Commission have entered into a  
16 Memorandum of Understanding for Nebraska Capitol Courtyard Gardens  
17 Restoration which provides, among other specifications, that the State  
18 Capitol Administrator will provide oversight and supervise the work to be  
19 performed; and  
20 WHEREAS, restoring the gardens within the courtyards of the State  
21 Capitol will provide an investment in the real property of the State of  
22 Nebraska which will be for the benefit of the people of the State of  
23 Nebraska; and  
24 WHEREAS, the Appropriations Committee of the Legislature held a  
25 public hearing on this matter on May 23, 2019.  
26 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
27 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
1 1. That pursuant to section 81-1108.33 the Legislature approves the  
2 gift of labor and materials from the Nebraska Association of Former State  
3 Legislators for the restoration of the gardens of the State Capitol  
4 Courtyards.  
5 2. That such approval is granted with the understanding that the  
6 gift will be implemented in accordance with the Memorandum of  
7 Understanding for Nebraska Capitol Courtyard Gardens Restoration.

**REFERENCE COMMITTEE REPORT**

## 2019 Resolutions calling for an Interim Study

LR57	Interim study to determine whether the Real Property Appraiser Act should be updated	Banking, Commerce and Insurance
LR63	Interim study to examine educational service units	Education
LR65	Interim study to provide for presentation of reports by all political subdivisions with underfunded defined benefit plans	Nebraska Retirement Systems
LR66	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR87	Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing committee system	Executive Board
LR88	Interim study to examine issues related to grandparents raising grandchildren and other kinship family relationships	Health and Human Services
LR92	Interim study to examine the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states	Government, Military and Veterans Affairs
LR94	Interim study in conjunction with the Attorney General and the Dept. of Banking and Finance to examine issues surrounding regulatory sandbox programs	Banking, Commerce and Insurance
LR95	Interim study to examine the prevalence and economic costs of methamphetamine use in the state	Health and Human Services
LR96	Interim study to examine the long-term public power generation and transmission options in the state	Natural Resources
LR98	Interim study to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms	General Affairs

LR103	Interim study to review staffing concerns including, but not limited to, staff retention at the Beatrice State Developmental Center, the Lincoln Regional Center, the Youth Rehabilitation and Treatment Center-Geneva, and the Youth Rehabilitation and Treatment Center-Kearney	Health and Human Services
LR105	Interim study to investigate the eligibility requirements applied to children with disabilities for coverage under the Medical Assistance Act	Health and Human Services
LR106	Interim study to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors	Business and Labor
LR111	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR112	Interim study to examine the statutes governing cities of the primary class	Urban Affairs
LR113	Interim study to examine existing anti-discrimination employment related laws to ensure they are advancing the public policy of Nebraska	Business and Labor
LR114	Interim study to examine conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project and the Rock Creek augmentation project may dispose of real property each owns related to the projects	Natural Resources
LR115	Interim study to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction of the Dept. of Banking and Finance to determine the need to update such laws	Banking, Commerce and Insurance
LR116	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	Appropriations
LR117	Interim study to examine matters related to cemeteries	General Affairs
LR119	Interim study to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities	Urban Affairs

LR123	Interim study to assess the readiness of the Dept. of Correctional Services to implement Laws 2018, LB258, by its operative date of July 1, 2020, regarding obtaining a state identification card or renewing a driver's license	Judiciary
LR124	Interim study to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public	Judiciary
LR126	Interim study to examine issues related to urban development in municipalities	Urban Affairs
LR127	Interim study to ensure youth in the foster care system and juvenile justice system understand their rights, to ensure their rights are being upheld, and to explore the need for additional rights	Judiciary
LR128	Interim study to review the Nebraska Wage Payment and Collection Act and the Wage and Hour Act	Business and Labor
LR129	Interim study to examine issues under the jurisdiction of the Business and Labor Committee	Business and Labor
LR130	Interim study to examine issues related to density bonuses and other nonmonetary regulatory incentives in municipal zoning ordinances	Urban Affairs
LR131	Interim study to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts	Urban Affairs
LR132	Interim study to examine issues related to plumbing codes	Urban Affairs
LR134	Interim study to examine the drug testing protocol recently changed by the Division of Children and Family Services for families involved in the child welfare system	Health and Human Services
LR135	Interim study to examine issues related to food insecurity in Nebraska communities	Health and Human Services
LR137	Interim study to examine the Nebraska Condominium Act	Banking, Commerce and Insurance

LR138	Interim study to identify for adoption by the Legislature three to five infrastructure project opportunities in eastern Nebraska to provide flood control, a reliable drinking water supply, power generation, climate change mitigation, and recreation	Natural Resources
LR139	Interim study to examine the feasibility of increasing the presence of the University of Nebraska Medical Center in central and western Nebraska by strengthening collaborations with the University of Nebraska at Kearney	Health and Human Services
LR140	Interim study to examine the roles and guidelines of homeowners' associations	Urban Affairs
LR141	Interim study to examine ways to enhance financial literacy programs, training, and general competencies and problem-solving skills in Nebraska, with the objective of increasing long-term financial stability for all Nebraskans	Banking, Commerce and Insurance
LR142	Interim study to examine any matter concerning the Game and Parks Commission	Natural Resources
LR143	Interim study to examine the laws for accounting and financial reporting in political subdivisions to determine a more uniform method of reporting	Government, Military and Veterans Affairs
LR144	Interim study to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations	Judiciary
LR145	Interim study to examine the financing of energy efficiency and renewable energy improvements on single-family residential property under the Property Assessed Clean Energy Act	Urban Affairs
LR146	Interim study to examine the feasibility of adopting a Prosecutor Transparency Act in Nebraska	Judiciary
LR148	Interim study to examine issues related to unfunded mandates to county governments for the administration of judicial proceedings	Judiciary
LR149	Interim study to examine the burden of unfunded mandates on county budgets	Government, Military and Veterans Affairs

LR151	Interim study to examine the financing of public education and develop recommendations for improving school funding	Education
LR152	Interim study to examine issues under the jurisdiction of the Education Committee	Education
LR153	Interim study to examine the administrative costs of local school systems and school districts	Education
LR154	Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County	Natural Resources
LR155	Interim study to examine issues related to municipalities that border another state	Urban Affairs
LR156	Interim study to examine strategies to prevent suicide by youth involved in the Nebraska juvenile justice system	Judiciary
LR157	Interim study to conduct an indepth review of the financing of the public elementary and secondary schools	Education
LR158	Interim study to examine matters related to adoption procedures in Nebraska	Judiciary
LR159	Interim study to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature	Executive Board
LR160	Interim study to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources	Health and Human Services
LR161	Interim study to examine policy issues revealed during a performance audit of the Nebraska Advantage Microenterprise Tax Credit Act	Revenue
LR162	Interim study to examine issues impacting volunteer emergency medical personnel	Health and Human Services
LR163	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee	Health and Human Services
LR164	Interim study to examine the need to update the insurance laws of Nebraska in response to technology advancement and innovation	Banking, Commerce and Insurance

LR165	Interim study to examine issues related to municipal firefighting and emergency medical services	Urban Affairs
LR166	Interim study to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994	Transportation and Telecommunications
LR167	Interim study to review the current model of collecting taxes to build and repair roads	Transportation and Telecommunications
LR168	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR169	Interim study to examine issues raised by LB462, 2019, and examine potential improvements to the enforcement of the One-Call Notification System Act	Transportation and Telecommunications
LR170	Interim study to examine the Dept. of Health and Human Services' plan to submit a demonstration project waiver for the medical assistance program under section 1115 of the Social Security Act	Health and Human Services
LR171	Interim study to examine the impact of lowering the age of majority from 19 years of age to 18 years of age for making health care decisions	Judiciary
LR172	Interim study to analyze state and local policy and initiatives to retain and incentivize health care providers and health-related businesses in the state to remain and expand in the state	Health and Human Services
LR173	Interim study to examine health concerns related to the public use of and secondhand exposure to electronic nicotine delivery systems and other products	Health and Human Services
LR174	Interim study to examine the Highway Trust Fund and ways to increase transit infrastructure in areas with limited access	Transportation and Telecommunications
LR175	Interim study to ensure accelerated broadband deployment statewide	Transportation and Telecommunications
LR176	Interim study to examine the metrics used in the juvenile justice system to track outcomes for youth who are under system supervision and after contact with the juvenile justice system	Judiciary

LR177	Interim study to examine issues faced by youth in the child welfare system who are pregnant or parenting	Health and Human Services
LR178	Interim study to examine the distribution of affordable housing across the state and how the lack of available affordable housing can impact the workforce	Business and Labor
LR179	Interim study to examine the fiscal impact of the Supplemental Nutrition Assistance Program and child care subsidies	Appropriations
LR180	Interim study to examine the practice of mindfulness to reduce the number of children and adults in crisis	Health and Human Services
LR181	Interim study to examine new funding streams for financial stability of the simulation-in-motion Nebraska program	Appropriations
LR182	Interim study to examine methods for the early screening of melanoma and modernization of reimbursement for telehealth for such screening	Health and Human Services
LR183	Interim study to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement	Judiciary
LR184	Interim study to examine how to provide a sustainable and adequate stream of state funds to local public health departments to ensure they are able to meet their core responsibilities	Appropriations
LR186	Interim study to examine the elimination of sales and use tax exemptions for goods and services	Revenue
LR187	Interim study to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies	Government, Military and Veterans Affairs
LR188	Interim study to review the policy of operating trains of increasing length and the effects on worker safety and on the operations of businesses near railroad crossings	Transportation and Telecommunications

LR189	Interim study to examine the effectiveness of 24/7 sobriety programs and determine potential standards for statewide implementation	Judiciary
LR190	Interim study to examine Nebraska's history of involvement in the Midwest Interstate Passenger Rail Compact	Transportation and Telecommunications
LR191	Interim study to evaluate the potential use of Physicians Orders for Life-Sustaining Treatment and the potential use of out-of-hospital Do Not Resuscitate protocols	Health and Human Services
LR192	Interim study to examine workforce development initiatives with emphasis on hearing the perspectives of employees across industries	Business and Labor
LR193	Interim study to assess implementation of the federal Family First Prevention Services Act in Nebraska and identify opportunities for children and families	Health and Human Services
LR194	Interim study to examine the benefits of employee stock ownership programs and strategies to promote the implementation of such programs	Banking, Commerce and Insurance
LR197	Interim study to conduct a comprehensive study of due process for inmates in restrictive housing	Judiciary
LR198	Interim study to examine the implementation of a statewide registry for Alzheimer's disease and related dementias	Health and Human Services
LR199	Interim study to examine Nebraska's redistricting process	Executive Board
LR200	Interim study to examine programming provided at the Youth Rehabilitation and Treatment Center-Geneva and the Youth Rehabilitation and Treatment Center-Kearney and the need for additional programming	Health and Human Services
LR201	Interim study to examine the role truancy plays in the school-to-prison pipeline and explore possible alternatives to reduce truancy	Judiciary
LR202	Interim study to examine the use and administration of the Nebraska housing tax credit	Revenue

LR204	Interim study to examine issues under the jurisdiction of the Judiciary Committee	Judiciary
LR205	Interim study to examine issues related to child custody proceedings and parenting time determinations for families of divorce	Judiciary
LR206	Interim study to examine options for the elimination of cash bail, appearance bonds, and related provisions, and examine risk assessment tools for pretrial release, post-conviction custody, and supervision status determinations	Judiciary
LR207	Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws	Revenue
LR208	Interim study to examine state and school district policies that relate to maintaining a safe and positive school learning environment	Education
LR209	Interim study to examine state and federal funding options for existing and potential research by the University of Nebraska on local, state, and global water management systems	Appropriations
LR210	Interim study to analyze programs and agencies that are active in addressing workforce and talent shortages, and identify options to assist in filling vacant high-wage, high-demand, and high-skill jobs	Appropriations
LR211	Interim study to examine alternatives for funding the Nebraska Tree Recovery Program	Appropriations
LR212	Interim study to assess the financial position of the Nebraska Brand Committee and to identify core operational needs and opportunities for efficiency improvement	Appropriations
LR213	Interim study to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship	Business and Labor
LR214	Interim study to examine issues that surround the engagement, attraction, and retention of youth in Nebraska	Education
LR215	Interim study to examine the Nebraska Lottery and Raffle Act	General Affairs

LR216	Interim study to examine funding priorities for the medicaid home and community-based services waivers under the Developmental Disabilities Services Act	Health and Human Services
LR217	Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements on legislation	Executive Board
LR218	Interim study to review the resources of the Dept. of Agriculture and state government to respond to natural disasters	Agriculture
LR219	Interim study to identify constraints on agricultural processing, production, and marketing investment	Agriculture
LR220	Interim study to review provisions governing carcass disposal requirements and options	Agriculture
LR221	Interim study to review the resources and authorities of the Dept. of Agriculture regarding livestock disease prevention and response	Agriculture
LR222	Interim study to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee	Agriculture
LR223	Interim study to appoint a select committee to carry out a comprehensive study of incarceration and mental health services in Nebraska	Executive Board
LR224	Interim study to examine the civil legal service needs of low-income residents	Judiciary
LR226	Interim study to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program	Health and Human Services
LR227	Interim study to examine the future of nuclear-generated electricity in Nebraska	Natural Resources
LR228	Interim study to examine the potential effects of implementing a flat-rate income tax	Revenue
LR229	Interim study to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act	Banking, Commerce and Insurance

LR231	Interim study to examine whether electrician licensing requirements and building regulations need to be changed to support economic development	General Affairs
LR232	Interim study to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission	Revenue
LR233	Interim study to examine fingerprint collection and national criminal history record information checks for employees of child care facilities and child-caring agencies	Health and Human Services
LR234	Interim study to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases are funded	Appropriations
LR235	Interim study to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substances offenses	Judiciary
LR236	Interim study to examine issues related to juvenile justice	Judiciary
LR237	Interim study to examine issues related to Nebraska's correctional system	Judiciary
LR238	Interim study to assess the rehabilitation and other needs of inmates while in the custody of the Dept. of Correctional Services and while transitioning into the community	Judiciary
LR239	Interim study to examine non-court-involved cases, including voluntary and alternative response cases, in the child welfare system	Health and Human Services
LR240	Interim study to review municipal rental housing inspection programs	Urban Affairs
LR241	Interim study to create a select committee to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies	Executive Board
LR242	Interim study to examine the replacement of Native American mascots in Nebraska at nontribal schools	Education

LR243	Interim study to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers	Health and Human Services
LR244	Interim study to examine discrepancies in reimbursement under the medical assistance program between the three Heritage Health managed care plans and the impacts of applying a multiple-procedure payment-reduction policy to therapy services	Health and Human Services
LR245	Interim study to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care	Judiciary
LR246	Interim study to examine the Office of Public Guardian	Judiciary
LR247	Interim study to examine the long-term sustainability of recurring election technology replacement	Government, Military and Veterans Affairs
LR248	Interim study to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances	Judiciary
LR249	Interim study to examine how the state administers federal Older Americans Act funds	Health and Human Services
LR250	Interim study to examine programs relating to development and implementation of the plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan	Health and Human Services
LR251	Interim study to conduct a review of food deserts in Nebraska and make recommendations to increase access to healthy affordable food	Agriculture
LR252	Interim study to review employment opportunities and barriers to employment for minority and at-risk populations	Business and Labor
LR253	Interim study to investigate the laws of self-defense and defense of third parties as they apply to the defense of persons victimized by domestic violence and human trafficking	Judiciary

(Signed) Mike Hilgers, Chairperson  
Executive Board

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 533.**

A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-106, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Blood	Dorn	Kolowski	McDonnell	Vargas
Bolz	Geist	Kolterman	Morfeld	Walz
Brandt	Hansen, M.	La Grone	Pansing Brooks	Wayne
Cavanaugh	Hilgers	Lathrop	Quick	Williams
Chambers	Hilkemann	Lindstrom	Scheer	Wishart
Crawford	Howard	Linehan	Slama	
DeBoer	Hunt	McCollister	Stinner	

Voting in the negative, 8:

Albrecht	Clements	Halloran	Moser
Bostelman	Erdman	Lowe	Murman

Present and not voting, 6:

Arch	Gragert	Hansen, B.
Friesen	Groene	Hughes

Excused and not voting, 2:

Brewer	Briese
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SELECT FILE**

**LEGISLATIVE BILL 436.** ER135, found on page 1760, was offered.

ER135 was adopted.

Senator Chambers offered the following motion:

MO106

Bracket until May 31, 2019.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Erdman

Voting in the negative, 46:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bolz	Friesen	Hughes	McDonnell	Wayne
Bostelman	Geist	Hunt	Moser	Williams
Brandt	Gragert	Kolowski	Murman	Wishart
Briese	Groene	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	La Grone	Quick	
Chambers	Hansen, B.	Lathrop	Scheer	
Clements	Hansen, M.	Lindstrom	Slama	

Excused and not voting, 2:

Brewer          Morfeld

The Chambers motion to bracket failed with 1 aye, 46 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO107

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider the vote to bracket. No objections. So ordered.

Advanced to Enrollment and Review for Engrossment.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB533.

## SELECT FILE

**LEGISLATIVE BILL 720.** ER136, found on page 1760, was adopted.

Senator Stinner offered the following amendment:  
AM1975

(Amendments to E&R amendments, ER136)

- 1 1. Strike section 88 and insert the following new sections:
- 2 Sec. 88. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
- 3 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
- 4 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
- 5 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
- 6 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,
- 7 and 90 of this act become operative on January 1, 2020. The other
- 8 sections of this act become operative on their effective date.
- 9 Sec. 91. Original section 84-612, Revised Statutes Cumulative
- 10 Supplement, 2018, is repealed.
- 11 Sec. 92. Since an emergency exists, this act takes effect when
- 12 passed and approved according to law.
- 13 2. On page 2, line 8, after the period insert "For purposes of this
- 14 section, only full-time employees, as defined and described in section
- 15 4980H of the Internal Revenue Code of 1986, as amended, and the
- 16 regulations for such section, shall be included in the calculation of
- 17 total hours paid."
- 18 3. On page 4, strike beginning with the second "the" in line 22
- 19 through "or" in line 25.
- 20 4. On page 41, after line 12 insert the following new subsection:
- 21 "(3)(a) In addition to the estimates required under subsection (1)
- 22 of this section, the Department of Economic Development shall, on or
- 23 before the fifteenth day of October and February of every year, make an
- 24 estimate of the amount of sales and use tax refunds to be paid and tax
- 25 credits to be used under the ImagiNE Nebraska Act for each of the
- 26 upcoming three calendar years and shall report such estimate
- 1 electronically to the Legislature. The estimate shall be based on the
- 2 most recent data available, including pending and approved applications
- 3 and updates thereof as are required by subdivision (1)(f) of section 29
- 4 of this act. If the estimate for any such calendar year exceeds the base
- 5 authority:
- 6 (i) The Department of Economic Development shall prepare an analysis
- 7 explaining why the estimate exceeds the base authority. The department
- 8 shall include such analysis in the report it submits to the Legislature
- 9 under this subsection; and
- 10 (ii) The director shall not approve any additional applications
- 11 under the ImagiNE Nebraska Act that would include refunds or credits in
- 12 the calendar year in which the base authority is projected to be exceeded
- 13 unless the director requests additional authority from the Executive
- 14 Board of the Legislative Council and the executive board approves such
- 15 request.
- 16 (b) For purposes of this subsection, the base authority shall be

17 equal to one hundred twenty-five million dollars for calendar years 2020  
 18 through 2023. Beginning with calendar year 2024 and every three years  
 19 thereafter, the director shall adjust the base authority to an amount  
 20 equal to three percent of the actual General Fund gross receipts for the  
 21 most recent fiscal year for which such information is available.

22 (c) If the director requests additional authority pursuant to this  
 23 subsection, the executive board shall determine whether or not to approve  
 24 such request within forty-five calendar days after receiving the request  
 25 and shall notify the director of its determination. Prior to making its  
 26 determination, the executive board shall hold a public meeting on the  
 27 request and shall give seven days' public notice of such meeting. The  
 28 minutes of such meeting shall show any action or inaction of the  
 29 executive board. If the executive board fails to make a determination  
 30 within such forty-five-day period, the request shall be deemed approved.  
 31 In making its determination, the executive board shall consider, among  
 1 other things, whether approving the request will:

2 (i) Promote economic development in line with the state's economic  
 3 development strategy;

4 (ii) Promote the retention and growth of high-wage, high-impact  
 5 businesses;

6 (iii) Attract high-wage, high-impact businesses to the State of  
 7 Nebraska;

8 (iv) Promote investment in distressed and rural areas; and

9 (v) Result in approval of incentives for businesses which would not  
 10 remain, grow, or move to Nebraska but for such incentives.

11 (d) In making its determination under this subsection, the executive  
 12 board may request any additional information or materials that are not  
 13 confidential or proprietary from the Department of Economic Development,  
 14 the Department of Revenue, or the Department of Labor."

15 5. On page 42, line 8, after the period insert "It is the intent of  
 16 the Legislature to appropriate five million dollars from the General Fund  
 17 to the ImagiNE Nebraska Revolving Loan Fund for fiscal years 2021-22 and  
 18 2022-23 for purposes of carrying out the workforce training and  
 19 infrastructure development revolving loan program pursuant to the ImagiNE  
 20 Nebraska Act."

21 6. On page 46, line 31; page 104, lines 7, 8, 12, 21, 22, 26, and  
 22 31; page 105, lines 1, 5, 11, 12, 16, 28, and 29; and page 106, lines 2,  
 23 10, 11, and 15, strike "act" and insert "section".

24 7. On page 55, line 1, strike "2020" and insert "2022"; in line 9  
 25 after "dollars" insert "from the General Fund"; and in line 10 strike  
 26 "2019-20" and insert "2021-22".

27 8. On page 119, strike lines 9 through 15 and insert the following  
 28 new subsection:

29 "(13) The State Treasurer shall transfer five million dollars from  
 30 the Cash Reserve Fund to the General Fund no later than July 15, 2019,  
 31 and shall transfer five million dollars from the Cash Reserve Fund to the  
 1 General Fund no later than July 15, 2020, on such dates as directed by  
 2 the budget administrator of the budget division of the Department of  
 3 Administrative Services."; and in line 23 strike "84-602.03, and 84-612"

4 and insert "and 84-602.03".

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 436.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were members of the American Legion Auxiliary, Department of Nebraska; Charlotte Guthrie from Lincoln; and former Senator Tim Vickers from Farnam and Jerda Garey Vickers from McCook.

**RECESS**

At 12:02 p.m., on a motion by Senator Kolowski, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Albrecht, DeBoer, Erdman, B. Hansen, Hilkemann, Howard, Linehan, Morfeld, Murman, Pansing Brooks, and Wayne who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 24, 2019, at 12:15 p.m. was the following: LB533.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**SELECT FILE**

**LEGISLATIVE BILL 720.** The Stinner amendment, AM1975, found in this day's Journal, was renewed.

Senator McDonnell moved the previous question. The question is, "Shall the debate now close?"

Senator McDonnell moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 30 not voting.

The motion to cease debate prevailed 26 ayes, 8 nays, and 15 not voting.

The Stinner amendment was adopted with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Vargas offered the following amendment:  
AM1885

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21  
2 strike "subsection" and insert "subdivision"; and after line 25 insert  
3 the following new subdivisions:  
4 "(b) The credit percentages prescribed in subsections (4) and (5) of  
5 this section shall be increased by one percentage point if:  
6 (i) The taxpayer is a domestic corporation with a board of  
7 directors; and  
8 (ii) At least one-half of the members of the taxpayer's board of  
9 directors are female. For purposes of this subdivision, female means an  
10 individual who self-identifies as a woman, without regard to the  
11 individual's designated sex at birth.  
12 (c) A taxpayer may, if qualified, receive one or both of the  
13 increases provided in this subsection."

#### **SPEAKER SCHEER PRESIDING**

#### **PRESIDENT FOLEY PRESIDING**

Senator Kolterman offered the following motion:  
MO108

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kolterman moved for a call of the house. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

Arch	Geist	Kolowski	Lowe	Stinner
Blood	Hansen, B.	Kolterman	McCollister	Vargas
Bolz	Hansen, M.	La Grone	McDonnell	Walz
Clements	Hilgers	Lathrop	Moser	Wayne
Crawford	Hilkemann	Lindstrom	Pansing Brooks	Williams
DeBoer	Howard	Linehan	Quick	Wishart

Voting in the negative, 18:

Albrecht	Cavanaugh	Friesen	Hughes	Scheer
Bostelman	Chambers	Gragert	Hunt	Slama
Brandt	Dorn	Groene	Morfeld	
Briese	Erdman	Halloran	Murman	

Excused and not voting, 1:

Brewer

The Kolterman motion to invoke cloture failed with 30 ayes, 18 nays, and 1 excused and not voting.

The Chair declared the call raised.

### **MOTION(S) - Print in Journal**

Senator Scheer filed the following motion:

Suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 13, 88, 98, 101, 172, 178, 191, 239, 246, 280, 330, 332, 342, 360, 385, 434, 452, 479, 522, 544, 547, 566, 574, 579, 584, 608, 618, 626, 642, 642A, 694, 733, 733A, and 737.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 262.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Briese, 41; Crawford, 45; Friesen, 34; Groene, 42; Kolterman, 24; Lindstrom, 18; McCollister, 20.

**PURPOSE:** The purpose of this interim study is to examine any issues within the jurisdiction of the Revenue Committee of the Legislature that may arise during the interim.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 263.** Introduced by Cavanaugh, 6.

WHEREAS, the Creighton Prep mock trial team won the Judge Lyle Strom High School Mock Trial Championship in December 2018; and

WHEREAS, this marked the third consecutive championship title for Creighton Prep; and

WHEREAS, the Creighton Prep mock trial team represented Nebraska at the High School Mock Trial National Championship in Athens, Georgia, where 46 teams competed; and

WHEREAS, the Creighton Prep mock trial team finished second in the country at the High School Mock Trial National Championship; and

WHEREAS, the Creighton Prep mock trial team members, including, Jaliya Nagahawatte, Chris Nubel, Matthew Mandolfo, Mason Mandolfo, Nate Reyes, Dominic Mendlik, Ryan Laughlin, and Joe Oberlies, and their coach Mark Laughlin, demonstrated perseverance and skill in achieving these remarkable honors; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Creighton Prep mock trial team on winning the State Championship and the second place finish at the National Championship.

2. That a copy of this resolution be sent to the Creighton Prep mock trial team and Coach Mark Laughlin.

Laid over.

**COMMITTEE REPORT(S)**

## Business and Labor

The Business and Labor Committee desires to report that the committee voted to make no recommendation on the appointment listed below. The Committee suggests the appointment be voted by the Legislature and suggests a record vote.

Gregory M. Neuhaus - Commission of Industrial Relations

Aye: 7 Chambers, Crawford, Halloran, Hansen, B., Hansen, M., Lathrop, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Matt Hansen, Chairperson

## General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James Patterson - Nebraska Commission on Problem Gambling

Aye: 6 Arch, Blood, Brandt, Briese, Lowe, Moser. Nay: 0. Absent: 2 Hunt, Wayne. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 577.** Placed on General File.

(Signed) Matt Hansen, Chairperson

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB460 with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 460.** With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend sections 68-1206, 68-1724, 71-1912, and 71-1924, Reissue Revised Statutes of Nebraska; to change provisions relating to transitional child care assistance and cash assistance; to require background checks as prescribed under the Child Care Licensing Act and Children's Residential Facilities and Placing Licensure Act; to provide powers and duties for the Department of Health and Human Services and the Nebraska State Patrol; to define terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 460A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 460, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Albrecht	DeBoer	Hilgers	Lindstrom	Scheer
Arch	Dorn	Hilkemann	Linehan	Slama
Blood	Friesen	Howard	McCollister	Stinner
Bolz	Geist	Hughes	McDonnell	Vargas
Bostelman	Gragert	Hunt	Morfeld	Walz
Brandt	Groene	Kolowski	Moser	Wayne
Briese	Halloran	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Wishart
Crawford	Hansen, M.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 3:

Clements      Erdman      Lowe

Excused and not voting, 2:

Brewer            Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB86 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 86.**

A BILL FOR AN ACT relating to community development; to amend sections 58-707 and 77-2715.07, Reissue Revised Statutes of Nebraska, and sections 18-2101, 18-2103, 18-2115.01, 18-2117.04, 58-703, 58-708, and 58-711, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to redevelopment plans for extremely blighted areas under the Community Development Law; to define and redefine terms; to require matching funds from for-profit entities, change funding decisions, and provide additional status report information from the Department of Economic Development under the Nebraska Affordable Housing Act; to provide an income tax credit for purchase of certain residential property as prescribed; to transfer funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 86A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	DeBoer	Hilgers	Lindstrom	Scheer
Arch	Dorn	Hilkemann	Linehan	Slama
Blood	Friesen	Howard	McCollister	Stinner
Bolz	Geist	Hughes	McDonnell	Vargas
Bostelman	Gragert	Hunt	Morfeld	Walz
Brandt	Groene	Kolowski	Moser	Wayne
Briese	Halloran	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Wishart
Crawford	Hansen, M.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 3:

Clements        Erdman        Lowe

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB397 with 32 ayes, 6 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 397.**

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.02, 28-1429.03, 69-2705, 69-2706, 69-2707, 69-2707.01, 69-2709, 69-2710, 69-2710.01, 69-2710.03, 77-2601, and 77-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco, electronic nicotine delivery systems, or alternative nicotine products; to define and redefine terms; to change escrow fund provisions for tobacco product manufacturers; to change provisions relating to nonparticipating manufacturers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB186 with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 186.** With Emergency Clause.

A BILL FOR AN ACT relating to documents; to amend sections 64-105, 64-113, 64-203, 64-205, and 86-611, Reissue Revised Statutes of Nebraska, and sections 23-1503.01 and 84-618, Revised Statutes Cumulative Supplement, 2018; to adopt the Online Notary Public Act; to change provisions relating to physical appearance before a notary; to provide for transfers of funds; to harmonize provisions; to provide duties relating to real estate documents; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hilgers	Lindstrom	Quick
Arch	DeBoer	Hilkemann	Linehan	Scheer
Blood	Dorn	Howard	Lowe	Slama
Bolz	Friesen	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Groene	Kolterman	Moser	Wayne
Cavanaugh	Hansen, B.	La Grone	Murman	Williams
Clements	Hansen, M.	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman          Halloran

Excused and not voting, 2:

Brewer          Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 186A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hilgers	Lindstrom	Quick
Arch	DeBoer	Hilkemann	Linehan	Scheer
Blood	Dorn	Howard	Lowe	Slama
Bolz	Friesen	Hughes	McCollister	Stinner
Bostelman	Geist	Hunt	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Groene	Kolterman	Moser	Wayne
Cavanaugh	Hansen, B.	La Grone	Murman	Williams
Clements	Hansen, M.	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman          Halloran

Excused and not voting, 2:

Brewer          Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB334 with 36 ayes, 3 nay, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 334.**

A BILL FOR AN ACT relating to economic development; to amend sections 13-1901 and 77-6306, Reissue Revised Statutes of Nebraska, and sections 13-1907, 13-2103, 13-2112, 50-1209, 81-829.42, 81-12,152, 81-12,163, and 81-12,166, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Nebraska planning and development regions; to change and eliminate provisions relating to rules and regulations of the Department of Economic Development; to reduce and eliminate the granting of tax credits under the Angel Investment Tax Credit Act as prescribed; to eliminate a termination date, state appropriation intent language, require evaluations of programs, provide intent for an appropriation to the Governor's Emergency Program, and provide a duty for the Appropriations Committee of the Legislature under the Business

Innovation Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-12,167, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 334A.**

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	DeBoer	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	
Crawford	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 149.**

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and 28-1429.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the legal age to buy or use, and the sale and use of, tobacco or electronic nicotine delivery systems or alternative nicotine products as prescribed; to define and redefine terms; to require sellers of electronic nicotine delivery systems to be licensed as prescribed; to change legislative findings; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bolz	Dorn	Howard	McCollister	Stinner
Bostelman	Friesen	Hughes	McDonnell	Vargas
Brandt	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Wayne
Cavanaugh	Groene	Kolterman	Murman	Williams
Chambers	Halloran	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Erdman          Hansen, B.      Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 433.**

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1416 and 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of security deposits and damages and the period of time relating to a written notice to quit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Arch	Crawford	Hilkemann	Linehan	Slama
Blood	DeBoer	Howard	McCollister	Stinner
Bolz	Dorn	Hughes	McDonnell	Vargas
Bostelman	Friesen	Hunt	Morfeld	Walz
Brandt	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lathrop	Quick	Wishart
Chambers	Hilgers	Lindstrom	Scheer	

Voting in the negative, 1:

Clements

Present and not voting, 8:

Albrecht	Groene	Hansen, B.	Lowe
Erdman	Halloran	La Grone	Murman

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 462.**

A BILL FOR AN ACT relating to telecommunications; to amend sections 76-2301, 76-2303, 76-2305, 76-2315, 76-2318, 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103, 86-124, and 86-144, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to change the One-Call Notification System Act and the Nebraska Telecommunications Regulation Act as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2316, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	DeBoer	Hilkemann	Lowe	Stinner
Arch	Dorn	Howard	McCollister	Vargas
Blood	Erdman	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Morfeld	Wayne
Bostelman	Geist	Kolowski	Moser	Williams
Brandt	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	
Crawford	Hilgers	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Hansen, M.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 468.**

A BILL FOR AN ACT relating to health care; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit inclusion of long-term services and supports under the medicaid managed care program as prescribed; to provide notification duties for the Department of Health and Human Services and Department of Insurance prior to submitting certain state waiver requests; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Arch	DeBoer	Hilkemann	Linehan	Slama
Blood	Dorn	Howard	McCollister	Stinner
Bolz	Erdman	Hughes	McDonnell	Vargas
Bostelman	Friesen	Hunt	Morfeld	Walz
Brandt	Gragert	Kolowski	Moser	Wayne
Briese	Halloran	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Wishart
Chambers	Hansen, M.	Lathrop	Quick	
Crawford	Hilgers	Lindstrom	Scheer	

Voting in the negative, 1:

Clements

Present and not voting, 4:

Albrecht	Geist	Groene	Lowe
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Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 481.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain Injury Trust Fund Act; to create a fund; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Arch	DeBoer	Hilkemann	McDonnell	Vargas
Blood	Dorn	Hughes	Morfeld	Walz
Bolz	Friesen	Kolowski	Moser	Wayne
Bostelman	Gragert	Kolterman	Murman	Williams
Brandt	Groene	La Grone	Pansing Brooks	Wishart
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, B.	Lindstrom	Scheer	
Chambers	Hansen, M.	Linehan	Slama	
Crawford	Hilgers	McCollister	Stinner	

Voting in the negative, 1:

Howard

Present and not voting, 6:

Albrecht	Erdman	Hunt
Clements	Geist	Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 481A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Arch	Dorn	Hilkemann	Linehan	Scheer
Blood	Friesen	Hughes	McCollister	Slama
Bolz	Gragert	Hunt	McDonnell	Stinner
Brandt	Groene	Kolowski	Morfeld	Vargas
Briese	Halloran	Kolterman	Moser	Walz
Chambers	Hansen, B.	La Grone	Murman	Wayne
Crawford	Hansen, M.	Lathrop	Pansing Brooks	Williams
DeBoer	Hilgers	Lindstrom	Quick	Wishart

Voting in the negative, 2:

Bostelman      Howard

Present and not voting, 6:

Albrecht	Clements	Geist
Cavanaugh	Erdman	Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB492 with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 492.**

A BILL FOR AN ACT relating to municipalities; to amend sections 13-1213, 13-2202, 13-2401, 14-1803, 14-1812, 32-567, 32-604, 32-1203, 75-303, 77-3442, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-519, 13-1205, 13-1209, 32-101, 60-6,290, 84-304, and 84-304.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Regional Metropolitan Transit Authority Act; to provide a budget limitation exception as prescribed; to change provisions relating to creation of a metropolitan transit authority; to provide a maximum property tax levy for a regional metropolitan transit authority; to provide for election of the board of directors of an authority; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Blood	DeBoer	Hunt	McDonnell	Walz
Bolz	Dorn	Kolowski	Morfeld	Wayne
Brandt	Friesen	Kolterman	Pansing Brooks	Williams
Briese	Hansen, M.	Lathrop	Quick	Wishart
Cavanaugh	Hilkemann	Lindstrom	Scheer	
Chambers	Howard	Linehan	Stinner	
Crawford	Hughes	McCollister	Vargas	

Voting in the negative, 11:

Bostelman	Groene	La Grone	Murman
Clements	Hansen, B.	Lowe	Slama
Geist	Hilgers	Moser	

Present and not voting, 5:

Albrecht	Arch	Erdman	Gragert	Halloran
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Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 511.**

A BILL FOR AN ACT relating to state employees; to authorize adjustments to work schedules for participation in approved youth mentoring programs as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB512 with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 512.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-702, 77-1239, 77-1301, 77-1725.01, 77-1734.01, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to provide procedures for adjusting the assessment of destroyed real property as prescribed; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, reimbursement to political subdivisions, personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hansen, M.	Lindstrom	Quick
Arch	DeBoer	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bolz	Friesen	Howard	McCollister	Stinner
Bostelman	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Briese	Groene	Kolterman	Moser	Wayne
Cavanaugh	Halloran	La Grone	Murman	Williams
Clements	Hansen, B.	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Dorn	Hunt
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Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB519 to Select File**

Senator Chambers moved to return LB519 to Select File for the following specific amendment:

FA88

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB519 with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 519.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 25-21,299, 27-404, 27-413, 28-115, 28-318, 28-322.01, 28-707, 28-710, 28-713, 29-110, 29-4003, and 86-291, Reissue Revised Statutes of Nebraska, and sections 28-101, 43-4406, and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to a civil action under the Human Trafficking Victims Civil Remedy Act, evidence of sexual assault under the Nebraska Evidence Rules, and enhanced penalties for certain crimes against pregnant women; to define and redefine terms; to change provisions relating to sexual abuse of an inmate or parolee; to prohibit sexual abuse of detainees by employees and agents of law enforcement agencies; to provide penalties; to change provisions relating to child abuse; to redefine terms, change provisions relating to human trafficking and child welfare services, and provide duties for the Department of Health and Human Services under the Child Protection and Family Safety Act; to change statutes of limitations for labor and sex trafficking, labor and sex trafficking of a minor, and offenses involving visual depictions of sexually explicit conduct and sexually explicit acts; to add registrable offenses under the Sex Offender Registration Act; to require reporting regarding victims of sex and labor trafficking of a minor as prescribed; to change provisions relating to eligibility for participation in incarceration work camp and interception of communications; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilgers	Lowe	Stinner
Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bolz	Erdman	Hughes	Morfeld	Wayne
Bostelman	Friesen	Hunt	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	
Clements	Hansen, M.	Linchan	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Groene            Kolowski

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB532 with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 532.**

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924.02, and 42-926, Reissue Revised Statutes of Nebraska, and sections 28-311.11, 42-924, and 42-925, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to harassment protection orders, sexual assault protection orders, and domestic abuse protection orders; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 532A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB583 with 33 ayes, 6 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 583.**

A BILL FOR AN ACT relating to design-build contracts; to amend sections 13-2914, 39-2808, 39-2809, 39-2810, 39-2811, 39-2813, 39-2814, 39-2815, 39-2816, 39-2817, 39-2818, 39-2819, 39-2820, 39-2821, 39-2822, 39-2823, and 39-2824, Reissue Revised Statutes of Nebraska, and section 39-2802, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Political Subdivisions Construction Alternatives Act and the Transportation Innovation Act; to define and redefine terms; to provide powers for certain cities, counties, and joint entities as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 592.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.13 and 53-123.13, Reissue Revised Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to farm wineries; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bolz	Erdman	Howard	McCollister	Walz
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB593 with 31 ayes, 9 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 593.** With Emergency Clause.

A BILL FOR AN ACT relating to medical assistance recovery; to amend sections 68-919, 68-989, 68-990, 71-605, and 77-2018.02, Reissue Revised Statutes of Nebraska, and sections 30-2483, 30-3880, 30-3881, 30-3882, and 33-109, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to medical assistance reimbursement claims and liens; to provide for retroactivity; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB610 with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 610.**

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, and 85-1809, Reissue Revised Statutes of Nebraska; to adopt the Meadowlark Act; to define and redefine terms; to create a fund; to create the Employer Matching Contribution Incentive Program and provide for incentive payments as prescribed; to establish the College Savings Plan Low-Income Matching Scholarship Program and provide for state matching scholarships as prescribed; to provide powers and duties for the State Treasurer; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 610A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB630 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 630.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.08, 28-513, 28-813.01, 28-1463.03, 28-1463.05, and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-1310, Revised Statutes Cumulative Supplement, 2018; to change elements of, penalty provisions for, and defenses to offenses involving unlawful intrusion and sexually explicit conduct; to change provisions relating to theft and extortion and intimidation by telephone call or electronic communication; to change applicability of certain provisions of the Sex Offender Registration Act; to provide and change penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Wayne
Brandt	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB657 to Select File**

Senator Lowe moved to return LB657 to Select File for the following specific amendment:

FA89

Strike the enacting clause.

Senator Lowe withdrew his motion to return.

### BILLS ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB657 with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 657. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend section 2-958, Reissue Revised Statutes of Nebraska, and sections 2-5701, 28-401, and 81-2,162.27, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Farming Act; to provide a use for the Noxious Weed Cash Fund and the Fertilizers and Soil Conditioners Administrative Fund and provide for powers and duties; to change provisions relating to the industrial hemp agricultural pilot program and define and redefine terms; to define and redefine terms under the Uniform Controlled Substances Act; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Arch	DeBoer	Hilkemann	Linehan	Slama
Blood	Dorn	Howard	McCollister	Stinner
Bolz	Friesen	Hughes	McDonnell	Vargas
Bostelman	Geist	Hunt	Morfeld	Walz
Brandt	Gragert	Kolowski	Moser	Wayne
Briese	Halloran	Kolterman	Murman	Williams
Cavanaugh	Hansen, B.	La Grone	Pansing Brooks	Wishart
Chambers	Hansen, M.	Lathrop	Quick	
Crawford	Hilgers	Lindstrom	Scheer	

Voting in the negative, 4:

Albrecht	Clements	Erdman	Lowe
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Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 657A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Arch	Dorn	Hilkemann	Linehan	Slama
Blood	Friesen	Howard	McCollister	Stinner
Bolz	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Hunt	Morfeld	Walz
Briese	Groene	Kolowski	Moser	Wayne
Cavanaugh	Halloran	Kolterman	Murman	Williams
Chambers	Hansen, B.	La Grone	Pansing Brooks	Wishart
Crawford	Hansen, M.	Lathrop	Quick	
DeBoer	Hilgers	Lindstrom	Scheer	

Voting in the negative, 5:

Albrecht	Bostelman	Clements	Erdman	Lowe
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Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 680.**

A BILL FOR AN ACT relating to privacy; to amend section 25-213, Reissue Revised Statutes of Nebraska; to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; to provide for applicability, construction, and tolling of statutes of limitation; to provide

severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Morfeld	Wayne
Brandt	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB686 with 34 ayes, 8 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 686.**

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-2202, 29-2246, and 29-2268, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-1206, 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change Class IV felony provisions; to prohibit the introduction and possession of electronic communication devices in correctional facilities as prescribed; to provide a penalty; to change possession of a deadly weapon by a prohibited person provisions; to change provisions relating to competency to stand trial; to provide for deferred judgments by courts as prescribed; to change

provisions relating to post-release supervision; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to change provisions relating to the long-term restrictive housing work group; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bolz	Friesen	Hughes	Morfeld	Wayne
Bostelman	Geist	Hunt	Moser	Williams
Brandt	Gragert	Kolowski	Murman	Wishart
Briese	Groene	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	La Grone	Quick	
Chambers	Hansen, B.	Lathrop	Scheer	
Clements	Hansen, M.	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB686A to Select File**

Senator Lathrop moved to return LB686A to Select File for his specific amendment, FA82, found on page 1760.

The Lathrop motion to return prevailed with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 686A.** The Lathrop specific amendment, FA82, found on page 1760, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LB686A stands indefinitely postponed.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB690 with 35 ayes, 9 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 690.**

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2018; to adopt the Healthy Pregnancies for Incarcerated Women Act; to provide exemptions for claims under the Political Subdivisions Tort Claims Act and the State Tort Claims Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Crawford	Hilkemann	Linehan	Stinner
Arch	DeBoer	Howard	McCollister	Vargas
Blood	Dorn	Hughes	McDonnell	Walz
Bolz	Friesen	Hunt	Moser	Williams
Bostelman	Geist	Kolowski	Murman	Wishart
Brandt	Gragert	Kolterman	Pansing Brooks	
Briese	Hansen, B.	La Grone	Quick	
Cavanaugh	Hansen, M.	Lathrop	Scheer	
Chambers	Hilgers	Lindstrom	Slama	

Voting in the negative, 0.

Present and not voting, 6:

Clements	Groene	Lowe
Erdman	Halloran	Wayne

Excused and not voting, 2:

Brewer	Morfeld
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 460, 460A, 86, 86A, 397, 186, 186A, 334, 334A, 149, 433, 462, 468, 481, 481A, 492, 511, 512, 519, 532, 532A, 583, 592, 593, 610, 610A, 630, 657, 657A, 680, 686, and 690.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB720A:  
AM1977

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. There is hereby appropriated (1) \$1,010,360 from the  
4 General Fund for FY2019-20 and (2) \$921,610 from the General Fund for  
5 FY2020-21 to the Department of Economic Development, for Program 603, to  
6 aid in carrying out the provisions of Legislative Bill 720, One Hundred  
7 Sixth Legislature, First Session, 2019.  
8 Total expenditures for permanent and temporary salaries and per  
9 diems from funds appropriated in this section shall not exceed \$232,360  
10 for FY2019-20 or \$407,110 for FY2020-21.  
11 Sec. 2. There is hereby appropriated (1) \$269,860 from the General  
12 Fund for FY2019-20 and (2) \$251,600 from the General Fund for FY2020-21  
13 to the Department of Revenue, for Program 102, to aid in carrying out the  
14 provisions of Legislative Bill 720, One Hundred Sixth Legislature, First  
15 Session, 2019.  
16 Total expenditures for permanent and temporary salaries and per  
17 diems from funds appropriated in this section shall not exceed \$113,500  
18 for FY2019-20 or \$185,400 for FY2020-21.  
19 Sec. 3. Since an emergency exists, this act takes effect when passed  
20 and approved according to law.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Vargas name added to LB436.

**VISITOR(S)**

Visitors to the Chamber were students from Wheeler Elementary School, Millard; Rachel Ayalon from Lincoln; and Senator Linehan's daughter, Meghan Linehan, from Arlington, VA, and Senator Linehan's daughter's fiancé, David Packard, from Arlington, VA.

The Doctor of the Day was Dr. Natalie Lynch from Omaha.

**ADJOURNMENT**

At 4:35 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 1:00 p.m., Thursday, May 30, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-THIRD DAY - MAY 30, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**  
**EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 30, 2019

**PRAYER**

The prayer was offered by Reverend Greg Allen-Pickett, First Presbyterian Church, Hastings.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1817, line 17, insert "13" after "LBs".

Page 1849, line 38, strike "finance" and insert "fiancé".

The Journal for the eighty-second day was approved as corrected.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 24, 2019, at 4:30 p.m. were the following: LBs 460e, 460Ae, 86, 86A, 149, 186e, 186Ae, 334, 334A, 397, 433, 462, 468, 481, 481A, 492, 511, 512e, 519, 532, 532A, 583, 592, 593e, 610, 610A, 630, 657e, 657Ae, 680, 686, and 690.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**MESSAGE(S) FROM THE GOVERNOR**

May 27, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 293e, 294e, 295e, 296e, 297e, 298e, 299e, 300e, 300Ae, 464e, and 675e were received in my office on May 21, 2019.

These bills were signed and delivered to the Secretary of State on May 27, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 29, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 62, 123, 135, 218e, 220, 244e, 248, 260, 281, 308, 309, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 538, 538A, 559, 561, 564, 571, 571A, 600e, 600Ae, 609, 641, 641A, 719, 719A, and 726 were received in my office on May 23, 2019.

These bills were signed and delivered to the Secretary of State on May 29, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **COMMITTEE REPORT(S)**

##### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Ann Richart - Director, Division of Aeronautics, Department of Transportation

Aye: 8 Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 264.** Introduced by Friesen, 34.

WHEREAS, Giltner High School won the 2019 Class D Girls State Track and Field Championship, the fifth consecutive state championship for the school; and

WHEREAS, the Giltner Hornets girls' track and field team won the 2019 championship with 54 points; and

WHEREAS, the Giltner Hornets had eight qualifiers for the state track and field meet, including seniors Brooke Good, Aubrianna Leichty, Brayden Rhoades, and Brooke Wilson, juniors Cortney Hoelck, Sydney Janzen, and Hannah Preissler, and sophomore Sydni Watson; and

WHEREAS, the Giltner High School girls' track and field team was led by the dedicated and talented coach Nancy Lockmon; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Giltner High School girls' track and field team for winning the 2019 Class D Girls State Track and Field Championship.

2. That a copy of this resolution be sent to the Giltner High School girls' track and field team and their coach, Nancy Lockmon.

Laid over.

**LEGISLATIVE RESOLUTION 265.** Introduced by Dorn, 30.

WHEREAS, Southwest High School student athletes have shown outstanding commitment and teamwork in the 2018-2019 school year; and

WHEREAS, the Southwest girls' golf team, including Kate Strickland, Brynn Sundquist, Neely Adler, and Sadie Steele, coached by Jim Danson, won the 2018 Girls State Golf Championship; and

WHEREAS, the Southwest softball team, including Brin Swanson, Emma Kauf, Ellie Grabouski, Skylar Pieper, Emma Hain, Josi Solano, Ashley Smetter, Shelby Gunter, Abbie Squier, Terrah Doremus, Kelsey Kobza, McKenzie Steiner, Skylar Thompson, Tianna Francisco, and Manager Kate Johnson, coached by Mark Watt, won the 2018 State Softball Championship; and

WHEREAS, the Southwest girls' swimming and diving team won the team title at the 2019 State Swimming and Diving Championship, and individual and relay swimmers Allie Hathaway, Berkely Livingston, Anna Heinrich, Marti Walstaad, Reanne Reida, Isabella Morales, and Lanyon Mlinek each won first place in their respective events; and

WHEREAS, Tommy Palmer, a freshman at Southwest High School, finished first in the boys' 200 yard freestyle at the 2019 State Swimming and Diving Championship; and

WHEREAS, the Southwest girls' track and field team, coached by Brett Schuster, won the Class A team title at the 2019 State Track and Field Championship, with Abbie Squier placing first in shot put, Lindsey Blehm placing first in the 800 meter run, and Kate Dilsaver placing first in the 100 meter dash and the 200 meter dash; and

WHEREAS, Tyler Boyle and Jesse Lewis, from the Southwest boys' track and field team, coached by Brett Schuster, also placed first in the 3200 meter run and the triple jump, respectively, at the 2019 State Track and Field Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the student athletes of Southwest High School and their coaches.

2. That a copy of this resolution be sent to Southwest High School.

Laid over.

**LEGISLATIVE RESOLUTION 266.** Introduced by Gragert, 40.

WHEREAS, the West Holt Public Schools boys' golf team won the 2019 Class D Boys State Golf Championship at Lake Maloney Golf Club in North Platte, winning their third championship title in a row; and

WHEREAS, the championship team included Austin Wenner, Garrison Hansen, Jaxson Cadwallader, Max Roberts, and Jaegher Ogden; and

WHEREAS, a third-place finish by Austin Wenner and a seventh-place finish by Garrison Hansen lifted the West Holt Huskies to first place overall; and

WHEREAS, the West Holt Huskies boys' golf team won with a score of 355 points, prevailing over North Platte St. Patrick's golf team by one stroke; and

WHEREAS, the leadership provided by Head Coach Todd Hale and Assistant Coach Dani Kuchar, along with the support of teachers, administrators, parents, and the community, contributed to the success of the West Holt boys' golf team; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the West Holt Public Schools boys' golf team on winning the 2019 Class D Boys State Golf Championship.

2. That a copy of this resolution be sent to West Holt Public Schools and Head Coach Todd Hale.

Laid over.

**LEGISLATIVE RESOLUTION 267.** Introduced by DeBoer, 10.

WHEREAS, the Bennington High School baseball team won the 2019 Class B State Baseball Championship; and

WHEREAS, the Bennington Badgers defeated the Hastings Tigers 4-3 to win the school's first state baseball championship; and

WHEREAS, Head Coach Scott Heese has served as a mentor and leader for the team; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bennington High School baseball team on winning the 2019 Class B State Baseball Championship.

2. That a copy of this resolution be sent to Bennington High School and Head Coach Scott Heese.

Laid over.

**ATTORNEY GENERAL'S OPINION**Opinion 19-008

SUBJECT: LB 373 – County Zoning Provisions for Wind Energy Generation Projects

REQUESTED BY: Senator Tom Brewer  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

**INTRODUCTION**

You have requested our opinion on two questions with regard to county zoning authority. As we have frequently stated, we will limit our opinions for members of the Legislature to instances where the questions posed to us involve a legislative purpose growing out of pending or proposed legislation. Op. Att'y Gen. No. 157 (December 24, 1985). Under that standard, it appears that your questions may relate to LB 373, which you mention in your request letter.<sup>1</sup> The Introducer's Statement of Intent for the legislation states "LB 373 creates a law that requires counties to have zoning if the county wishes to host wind energy facilities. The zoning must address

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<sup>1</sup> Your request letter also references LB 155, recently passed by the Legislature and signed by the Governor, which pertains to the exercise of eminent domain, and LB 700, which pertains to the decommissioning of wind energy systems.

three subjects (set-backs, noise, decommissioning) but leaves the establishment of particular values for these subjects up to the county." Committee Records on LB 373, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (Introducer's Statement of Intent) (January 31, 2019). Your specific questions are:

1. Does Nebraska case law, including but not limited to the *Lincoln Dairy Company v. Finigan*, 170 Neb. 777 (1960) and *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89 (1974) line of cases, stand for the proposition that counties and other political subdivisions may not (a) altogether prohibit or (b) in practice prevent the undertaking of an otherwise lawful occupation or activity?
2. Do Nebraska counties have the lawful authority, e.g., under Neb. Rev. Stat. § 66-913, to impose zoning or other restrictions that prohibit the construction of wind turbines whose height is in excess of a certain specified maximum height?

### ANALYSIS

#### I. *Lincoln Dairy Company and Gillette Dairy, Inc.*

Your first question is whether two cases which you cite stand for the proposition that counties and other political subdivisions may not prohibit or prevent the undertaking of an otherwise lawful occupation or activity. In *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 104 N.W.2d 227 (1960), the court considered the constitutionality of the Grade A Milk Act and determined that it unconstitutionally delegated legislative powers to the director of the Department of Agriculture, including the power to define crimes. The court also found provisions of the Act violated the due process clause at Neb. Const. art. I, § 3, stating:

A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare. Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. A citizen has a constitutional right to own, acquire, and sell property, and if it becomes apparent that the statute, under the guise of a police regulation, does not tend to preserve the public health, safety, or welfare, but tends more to stifle legitimate business by creating a monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual. *Id.* at 785-86, 104 N.W.2d at 233.

The Court further explained:

It is elementary that courts do not determine economic policies of legislation . . . . It is just as elementary, however, that in order for such legislation to be valid under the police power of the state it cannot be

arbitrary or discriminatory, but must have a real and substantial relation to the objects sought to be attained. *Id.* at 787, 104 N.W.2d at 234.

In *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89, 219 N.W.2d 214 (1974), the court held that certain provisions of the Dairy Industry Trade Practices Act were unconstitutional, finding that the primary purpose of the act was price fixing. "Whether a business is charged with such a public interest as to warrant its regulation is a legislative question in which the courts ordinarily will not interfere. The Legislature may not, however, under the guise of regulation, impose conditions which are unreasonable, arbitrary, discriminatory, or confiscatory. *Id.* at 96, 219 N.W.2d at 219. "While the exercise of the police power in the milk industry is essential to assure a wholesome product, price fixing is not essential to attain that end." *Id.* at 98, 219 N.W.2d at 220.

In both of these cases the Nebraska Supreme Court held that the right to conduct a lawful business is a constitutionally protected right. However, that right is not absolute and may be curtailed by a proper exercise of the police power of the State. The court's due process analysis focused on whether there was a reasonable relationship to protecting the public health, safety, and welfare. In a more recent case, *State ex rel. Dept. of Health v. Jeffrey*, 247 Neb. 100, 525 N.W.2d 193 (1994), the court held that, while the right to conduct a lawful business or occupation is a constitutionally protected right, statutes which required an equine dentist to be licensed by the State did not infringe upon his due process rights.

LB 373, § 1(2), as originally introduced, would provide that "no wind turbine (as part of a wind energy generation project) will be located within three miles of any residential dwelling without the written permission of the owner of the dwelling . . . ." AM428, a pending amendment to LB 373, would replace that language with a requirement that "no wind energy generation project shall be constructed unless the county in which the project would be located has zoning regulations or a zoning resolution described in section 23-114 as prescribed in subsection (3) of this section." Subsection (3) then requires zoning provisions to address setbacks, noise standards, decommissioning, and fees for conditional use permits.

As LB 373 concerns the regulation of wind energy generation projects through county zoning, we will briefly discuss Nebraska case law with regard to zoning provisions. While we have found no Nebraska cases which address the constitutionality of zoning provisions for wind energy generation projects, the Nebraska Supreme Court has discussed the test for determining the validity of other zoning ordinances. "County zoning regulations are intended to promote the health, safety, and general welfare of the community by regulating and restricting the use of the land within the area zoned." *Crane v. Board of County Com'rs of Sarpy County*, 175 Neb. 568, 572-73, 122 N.W.2d 520, 523 (1963) (upholding the denial of a special permit to construct a trailer court). "The owner's right to use his property is subject, however, to reasonable regulation, restriction, and control by the

state in the legitimate exercise of its police powers. The test of legitimacy is the existence of a real and substantial relationship between the exercise of those powers in a particular manner, and the peace, public health, public morality, public safety, or the general welfare of the city." *Eckstein v. City of Lincoln*, 202 Neb. 741, 744, 277 N.W.2d 91, 93 (1979) (holding that a city ordinance which absolutely prohibited the use of private wells within the city was overbroad). Generally, a legislative act is a valid exercise of the police power if the act is "rationally related to a legitimate state interest." *State v. Champoux*, 252 Neb. 769, 772, 566 N.W.2d 763, 765 (1997) (finding that a municipal zoning ordinance which defined "family" as any number of related individuals living together and not more than two additional unrelated individuals did not violate the due process clause).

A "question of the validity or invalidity of a zoning ordinance presents a question to be determined on examination of the facts in each particular case presented." *Dundee Realty Co. v. City of Omaha*, 144 Neb. 448, 459, 13 N.W.2d 634, 639 (1944). Further, in the context of cases concerning the regulation of livestock operations and confinement facilities, the Nebraska Supreme Court has stated that the "validity of a zoning ordinance will be presumed in the absence of clear and satisfactory evidence to the contrary." *Coffey v. County of Otoe*, 274 Neb. 796, 803, 743 N.W.2d 632, 637 (2008). *See also Premium Farms v. County of Holt*, 263 Neb. 415, 640 Neb. 633 (2002) (finding that regulations requiring a confined livestock operation to obtain a conditional use permit and adhere to certain standards concerning manure removal and setbacks were within the county's statutory authority).

## **II. County Authority Under Neb. Rev. Stat. § 66-913**

Your second question is whether counties have authority under Neb. Rev. Stat. § 66-913 (2018) to adopt zoning regulations that "prohibit the construction of industrial wind turbines whose height is in excess of a certain specified maximum height." Section 66-913 provides, in pertinent part:

All counties or municipalities having zoning or subdivision jurisdiction are hereby authorized to include considerations for the encouragement of solar energy and wind energy use and the protection of access to solar energy and wind energy in all applicable zoning regulations or ordinances and comprehensive development plans. Such considerations may include, but not be limited to, regulation of height, location, setback, and use of structures, . . . the type and location of energy systems or their components, and the use of districts to encourage the use of solar energy systems and wind energy conversion systems and protect access to solar energy and wind energy.

Neb. Rev. Stat. § 66-913 falls within a series of statutes, enacted as LB 353 in 1979, which originally pertained only to solar energy. Neb. Rev. Stat. §§ 66-901 to 66-914 (2018). These statutes were expanded, by LB 140 in 1997, to also include wind energy. The Legislature describes the purpose

of these statutes as "to promote the public health, safety, and welfare by protecting access to solar energy and wind energy . . . ." Neb. Rev. Stat. § 66-901. Sections 66-909, 66-909.04 and 66-910 provide for written agreements between landowners pertaining to solar energy systems and wind energy conversion systems. These agreements must be in writing and filed with the county register of deeds. The agreements then run with the land until terminated pursuant to § 66-912.01.

We first point out the expressed intent of the statutes is to promote solar energy and wind energy. And, if a county zoning regulation totally excluded a land use recognized by state law, that regulation might be found invalid under the court's due process analysis. Yet, we note that § 66-913 allows, but does not require, counties to include considerations for the encouragement of solar energy and wind energy in their zoning regulations and comprehensive development plans. We find support for this interpretation in the legislative history of the statutes. It indicates that the Legislature's purpose in enacting the statutes was to provide for these voluntary agreements between neighbors and to "permit local zoning authorities to zone to protect existing solar units." They "permit local zoning board authorities to take into consideration existing solar units when they zone for such things as vegetation or the number of stories permitted in a structure . . . ." Floor Debate on LB 353, 86<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 2527-2528 (March 30, 1979) (Statement of Sen. Hoagland). The provisions were described as "permissive" and giving local zoning authorities "the opportunity to say this is the way this is going to be zoned and people when they buy their lots know exactly what they are getting." *Id.* at 2531. Senator Hoagland also pointed out that LB 353, § 14 (now § 66-914) "grants local zoning authorities the right to grant a variance in the event that existing solar regulations don't permit the protection of a standing solar unit." *Id.* at 2529.<sup>2</sup> With regard to LB 140 in 1997, the bill was briefly described as expanding current statutes "to include wind energy easements with other easements." Floor Debate on LB 140, 95<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 1067 (February 13, 1997) (Statement of Sen. Preister).

As you inquire whether counties, in particular, have statutory authority to impose height restrictions for industrial wind turbines, we also include a brief summary of the statutes in Chapter 23 which pertain to county zoning authority. A county board is authorized to create a planning commission, to adopt a county comprehensive development plan and to adopt a zoning resolution. Neb. Rev. Stat. § 23-114(1) (2012). A zoning resolution may regulate the location and height of buildings and other structures. Neb. Rev. Stat. § 23-114(2) (2012). The county board may adopt zoning regulations subsequent to the adoption of a comprehensive development plan and, for zoning purposes, divide the county into districts best suited to carrying out the purposes of the plan, including regulation of nonfarm buildings and structures. Neb. Rev. Stat. § 23-114.03 (2012). If authorized by the county

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<sup>2</sup> LB 373 would amend § 66-914 to remove references to wind energy systems in this authorization for a county to grant variances.

board, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property. Neb. Rev. Stat. § 23-114.01(4), (5) and (6) (2012). Finally, a board of adjustment, appointed by the county board, may, in limited circumstances grant variances from the strict application of the zoning resolution. Neb. Rev. Stat. § 23-168.03 (2012). These statutes, thus, provide general authority for counties to regulate the height of structures.

### CONCLUSION

The answer to your first question is that the Nebraska Supreme Court, in the two cases which you cite, employed a due process analysis that focused on whether there was a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, and welfare. Similarly, with regard to the validity of zoning provisions, the court has determined, based on the facts of each particular case, whether the provision was rationally related to a legitimate governmental purpose.

The answer to your second question is that Neb. Rev. Stat. § 66-913 seems to authorize, but not require, counties to take into consideration both solar energy and wind energy when adopting zoning resolutions or regulations. In addition, there is general statutory authority for county zoning in Chapter 23, which may include reasonable regulation of such matters as the height of structures.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-626-29

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261.

**MOTION(S) - Confirmation Report(s)**

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

State Electrical Board  
George Morrissey

Voting in the affirmative, 41:

Albrecht	Clements	Hansen, B.	Lindstrom	Stinner
Arch	Crawford	Hansen, M.	Lowe	Vargas
Blood	DeBoer	Hilgers	McCollister	Walz
Bolz	Dorn	Hilkemann	McDonnell	Williams
Bostelman	Erdman	Howard	Moser	Wishart
Brandt	Friesen	Kolowski	Murman	
Brewer	Geist	Kolterman	Pansing Brooks	
Briese	Gragert	La Grone	Quick	
Chambers	Groene	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh	Hughes	Linehan
Halloran	Hunt	Scheer

Excused and not voting, 2:

Morfeld	Wayne
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The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

Nebraska Commission on Problem Gambling  
Susan Lutz

Voting in the affirmative, 46:

Albrecht	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	Lowe	Vargas
Bolz	Erdman	Howard	McCollister	Walz
Bostelman	Friesen	Hughes	McDonnell	Williams
Brandt	Geist	Hunt	Moser	Wishart
Brewer	Gragert	Kolowski	Murman	
Briese	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Morfeld        Wayne

The appointment was confirmed with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

Nebraska Arts Council  
Amy Haddad  
Walter Seiler

Voting in the affirmative, 45:

Albrecht	Chambers	Halloran	Kolterman	Pansing Brooks
Arch	Clements	Hansen, B.	La Grone	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Scheer
Bolz	DeBoer	Hilgers	Linehan	Slama
Bostelman	Dorn	Hilkemann	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Vargas
Brewer	Geist	Hughes	Morfeld	Walz
Briese	Gragert	Hunt	Moser	Williams
Cavanaugh	Groene	Kolowski	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Erdman        Lathrop        McDonnell

Excused and not voting, 1:

Wayne

The appointments were confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1818:

Nebraska Commission on Problem Gambling  
James Patterson

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Murman
Arch	Crawford	Hansen, B.	La Grone	Pansing Brooks
Blood	DeBoer	Hansen, M.	Lindstrom	Quick
Bolz	Dorn	Hilgers	Linehan	Scheer
Bostelman	Erdman	Hilkemann	Lowe	Slama
Brandt	Friesen	Howard	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Vargas
Briese	Gragert	Hunt	Morfeld	Walz
Chambers	Groene	Kolowski	Moser	Williams

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh Lathrop Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:

Nebraska Tourism Commission  
Roger L. Jasnoch  
Starr Lehl  
Debra Nelson-Loseke

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:

State Personnel Board  
Sharon Rues  
Christopher Waddle

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Williams
Brewer	Gragert	Kolowski	Moser	Wishart
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1754:

Public Employees Retirement Board  
Janis Elliott

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board  
Allen Simpson

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Murman
Arch	Crawford	Hansen, B.	Lathrop	Pansing Brooks
Blood	DeBoer	Hilgers	Lindstrom	Quick
Bolz	Dorn	Hilkemann	Linehan	Scheer
Bostelman	Erdman	Howard	Lowe	Slama
Brandt	Friesen	Hughes	McCollister	Stinner
Brewer	Geist	Hunt	McDonnell	Vargas
Briese	Gragert	Kolowski	Morfeld	Walz
Cavanaugh	Groene	Kolterman	Moser	Williams

Voting in the negative, 0.

Present and not voting, 3:

Chambers      Hansen, M.      Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board  
Michael D. Jahnke

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Williams
Brewer	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 1:

Wayne

The appointment was confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Division of Aeronautics, Department of Transportation  
Ann Richart, Director

Voting in the affirmative, 48:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the following appointment(s) found on page 1818:

Commission of Industrial Relations  
Gregory M. Neuhaus

Senator M. Hansen moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Voting in the affirmative, 27:

Albrecht	Dorn	Halloran	Lindstrom	Slama
Arch	Erdman	Hansen, B.	Linehan	Stinner
Bostelman	Friesen	Hilgers	Lowe	Williams
Brewer	Geist	Hughes	Moser	
Briese	Gragert	Kolterman	Murman	
Clements	Groene	La Grone	Scheer	

Voting in the negative, 19:

Blood	Crawford	Hunt	McDonnell	Walz
Bolz	DeBoer	Kolowski	Morfeld	Wayne
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Vargas	

Present and not voting, 3:

Brandt	Hilkemann	Quick
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Pursuant to Rule 3, Sec. 4(e)(iv), the appointment was confirmed with 27 ayes, 19 nays, and 3 present and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 268.** Introduced by Bolz, 29.

WHEREAS, the Lincoln Southeast High School girls' tennis team won the 2019 NSAA Class A State Girls Tennis Championship; and

WHEREAS, the Southeast Knights were represented by Camilla Ibrahimova, Averie Dodds, Ally Keitges, Evie Barnett, Katie Whitehead, and Caroline Miller; and

WHEREAS, the team championship was fueled by the first place finish of Katie Whitehead and Caroline Miller in No. 1 doubles, 6-1, 6-7 (5-7), 6-4; and

WHEREAS, Head Coach Chris Salem provided the leadership needed to cap the season with a state championship; and

WHEREAS, the hard work, sacrifice, and dedication shown by the student-athletes and their families, this season and for many years of dedication to tennis, culminated in a state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln Southeast High School girls' tennis team on winning the 2019 Class A State Girls Tennis Championship.

2. That a copy of this resolution be sent to Lincoln Southeast High School and Head Coach Chris Salem.

Laid over.

**LEGISLATIVE RESOLUTION 269.** Introduced by Bolz, 29.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and

WHEREAS, Skyler Peterson won the pole vault for Lincoln Southeast High School with a personal best of fifteen feet, 6.25 inches; and

WHEREAS, the Lincoln Public Schools pole vault coach, Chris Johnson, and the Lincoln Southeast head track and field coach, Dave Nebel, provided effective coaching and leadership to prepare for the championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Skyler Peterson for his win at the 2019 Class A State Track and Field Championship.

2. That a copy of this resolution be sent to Lincoln Southeast High School, Coach Dave Nebel, and Coach Chris Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 270.** Introduced by Geist, 25.

WHEREAS, the NSAA Class A Girls State Tennis Championship was held on May 16-17, 2019, in Omaha; and

WHEREAS, Bianca Rademacher from Lincoln East High School competed in the No. 1 singles event and won 6-1, 6-3; and

WHEREAS, Brooke Sailer from Lincoln East High School competed in the No. 2 singles event and won 6-2, 6-2; and

WHEREAS, the NSAA Class A Boys State Tennis Championship was held on October 10-12, 2018, in Omaha; and

WHEREAS, Richard Batelaan from Lincoln East High School competed in the No. 2 singles event and won 6-1, 6-0; and

WHEREAS, Coaches Chris Stock, Joe Hovorka, and Alex Kolba provided effective coaching to prepare for the championships; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln East High School tennis teams, Bianca Rademacher, Brooke Sailer, Richard Batelaan, and Head Coach Chris Stock on their championship wins.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Chris Stock.

Laid over.

**LEGISLATIVE RESOLUTION 271.** Introduced by Geist, 25.

WHEREAS, the Lincoln East High School girls' cross country team won the 2018 Class A Girls State Cross Country Championships; and

WHEREAS, Lincoln East Spartans' team members Jenna Muma, Abigail Schmidt, Madison Muma, Abby Volkmer, and Taylor Searcey displayed outstanding commitment and resolve this season and through many years of dedication to cross country running; and

WHEREAS, Head Coach Brian Kabourek provided the leadership necessary to cap this season with a state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln East Spartans girls' cross country team for winning the 2018 Class A Girls State Cross Country Championships.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Brian Kabourek.

Laid over.

**LEGISLATIVE RESOLUTION 272.** Introduced by Pansing Brooks, 28.

WHEREAS, AIA Nebraska, the Nebraska Chapter of the American Institute of Architects, was chartered on April 15, 1919; and

WHEREAS, AIA Nebraska organizes and unites the architects of Nebraska to promote artistic, scientific, and practical efficiency in the profession, to advance the science and art of planning, design, and building by advancing the standards of architectural education, training, and practice, to coordinate the building industry and the profession of architecture to ensure the advancement of living standards through improved environments, and to assure the profession is ever increasing its service to society; and

WHEREAS, the American Institute of Architects is the voice of the architectural profession in the United States and a resource for its members in their service to society; and

WHEREAS, through a culture of innovation, the American Institute of Architects empowers its members and inspires the creation of a better built environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the 100th anniversary of the Nebraska Chapter of the American Institute of Architects and its more than ten decades of service to its members and promotion of the value of architects and architecture across Nebraska.

2. That a copy of this resolution be sent to AIA Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 273.** Introduced by Arch, 14.

WHEREAS, scoliosis awareness is important to help children, parents, health care providers, and others understand, recognize, and treat the complexities of spinal deformities, such as scoliosis; and

WHEREAS, scoliosis is an abnormal curvature of the spine with no known cause that strikes without regard to gender, race, age, or economic status; and

WHEREAS, scoliosis affects between 2 and 3 percent of the population or an estimated 50,000 Nebraskans; and

WHEREAS, the primary age for onset of scoliosis is between ten and fifteen years, with females being five times more likely to progress to a curve magnitude requiring medical treatment; and

WHEREAS, approximately one in every six children diagnosed with scoliosis will eventually need active medical treatment; and

WHEREAS, screening programs allow for early detection and treatment opportunities that may alleviate the long-term effects of scoliosis; and

WHEREAS, June 2019 is National Scoliosis Awareness Month, an opportunity to raise awareness of scoliosis and improve our understanding of this condition through research and innovation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes June 2019 as National Scoliosis Awareness Month.

2. That a copy of this resolution be sent to the Curvy Girls scoliosis support group of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 274.** Introduced by McDonnell, 5.

WHEREAS, the National Association of Letter Carriers began their one-day food drive in 1992; and

WHEREAS, for many years prior to 1992, a number of National Association of Letter Carriers branches collected food for the needy in the communities they served; and

WHEREAS, in 1992, ten cities were selected to explore a coordinated effort, and a pilot food drive was held in Columbus, Ohio, by Branch 78 of the National Association of Letter Carriers; and

WHEREAS, the pilot food drive was so successful that the food drive was then expanded nationwide; and

WHEREAS, a nationwide one-day food drive was organized for May 15, 1993, with the goal of having at least one National Association of Letter Carriers branch participate in each state; and

WHEREAS, more than 220 National Association of Letter Carriers branches participated in the first national one-day food drive and set a one-day record for food collection in the United States by collecting more than 11,000,000 pounds of food; and

WHEREAS, in 2018, the National Association of Letter Carriers collected over 71,600,000 pounds of food to help restock food banks, pantries, and shelters throughout the United States; and

WHEREAS, 2018 marked the 15th consecutive year that the nation's largest one-day food drive collected more than 70,000,000 pounds of food; and

WHEREAS, the National Association of Letter Carriers one-day food drive has collected more than 1,670,000,000 pounds of food since it began in 1993; and

WHEREAS, the National Association of Letter Carriers one-day food drive occurs on the second Saturday in May each year; and

WHEREAS, it is estimated that 560,000 pounds of food was collected across Nebraska this year; and

WHEREAS, the National Association of Letter Carriers and Nebraska Post Office branches partnered with many organizations to bring the "Stamp Out Hunger" event to the State of Nebraska. The partnering organizations include the AFL-CIO, Nebraska AFL-CIO Central Labor Councils and Federations, Big Chuck Trucking LLC, Enterprise Truck Rental, the International Brotherhood of Electrical Workers Local 22, International Brotherhood of Electrical Workers Local 265, Kellogg's, the National Electrical Contractors Association-Nebraska, Penske Truck Rental, Valassis, Valpak, United Food and Commercial Workers, United States Postal Service, Nebraska Center for Workforce Development and Education, United Way of the Midlands, United Way of Lincoln and Lancaster County, and local area food pantries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the National Association of Letter Carriers' one-day food drive.
2. That the Legislature honors the National Association of Letter Carriers for their distinguished community service and philanthropic efforts.
3. That copies of this resolution be sent to the Nebraska affiliates of the National Association of Letter Carriers.

Laid over.

**LEGISLATIVE RESOLUTION 275.** Introduced by Geist, 25.

WHEREAS, the 2019 Class A State Wrestling Championship was held February 14-16; and

WHEREAS, senior Chance Fry from Lincoln East High School won the 152-pound division title by major decision, 12-1; and

WHEREAS, this was the third state wrestling championship for Chance Fry; and

WHEREAS, junior Maxx Mayfield from Lincoln East High School won the 138-pound division title by fall at four minutes, sixteen seconds; and

WHEREAS, Coach Kennan McCurdy effectively led the team to prepare for the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Chance Fry and Maxx Mayfield on their wrestling titles.

2. That a copy of this resolution be sent to Lincoln East High School and Coach Kennan McCurdy.

Laid over.

**LEGISLATIVE RESOLUTION 276.** Introduced by Geist, 25.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and

WHEREAS, Jenna Muma from Lincoln East High School competed in and won the 1600-meter run with a time of 5 minutes, 4.32 seconds; and

WHEREAS, Tyler Brown from Lincoln East High School competed in and won the discus event with a throw of 187 feet, zero inches; and

WHEREAS, Head Coach John Gingery provided effective coaching and leadership to prepare for the championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jenna Muma and Tyler Brown for their respective wins at the 2019 Class A State Track and Field Championship.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach John Gingery.

Laid over.

**LEGISLATIVE RESOLUTION 277.** Introduced by Lathrop, 12.

WHEREAS, the National History Day program connects students with history while teaching research, writing, and presentation skills that will serve the students well into adulthood; and

WHEREAS, students from Ralston Middle School and Ralston High School participated in History Day with support from coaches Mindy Podraza, Lynn Behounek, and Shane Adams; and

WHEREAS, Maya Dooley, Jaclyn Johnson, Bethany Madden, Olivia Van Lancker, Carol Van Lancker, Ella Johnson, Andrew Creek, Cassidy Culjat, Shelby Stephens, and Tyler Richardson were chosen to participate in the national-level competition in College Park, Maryland in June 2019; and

WHEREAS, one team project, from Ralston Middle School students Maya Dooley and Jaclyn Johnson, was selected by state-level judges to represent Nebraska at a Smithsonian National Museum of Natural History display following the competition; and

WHEREAS, historical knowledge is critical to the development of individuals, our state, our nation, and humanity as a whole; and

WHEREAS, the curiosity and dedication of Ralston Public Schools students sets a positive example for those around them; 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 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ralston Middle and High School students on their participation in the National History Day competition.
2. That a copy of this resolution be sent to Ralston Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 278.** Introduced by Hunt, 8.

WHEREAS, June 7, 2019, is recognized as National Gun Violence Awareness Day to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and

WHEREAS, between 2013 and 2017, over 1,200 Nebraska residents died by suicide and nearly half of all suicide deaths were carried out with a gun, killing nearly 600 Nebraskans; and

WHEREAS, on average, one Nebraska resident dies by suicide by gun every three days; and

WHEREAS, gun-related crimes, such as homicides, gun assaults, and gun robberies, have risen by 20 percent in Omaha between 2013 and 2017; and

WHEREAS, every day, 100 Americans are killed by gun violence and countless others are wounded; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

WHEREAS, protecting public safety in the state is among a governor's highest responsibilities; and

WHEREAS, support for the second amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people that shouldn't have them; and

WHEREAS, June 2019 would have marked the twenty-second birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and

WHEREAS, to help honor Hadiya and the 100 Americans whose lives are cut short and the countless others who are wounded by gun violence every day, June 7, 2019, has been designated as the fifth National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange. They chose this color because hunters wear orange to protect themselves and others, and orange is a color that has been embraced by the gun safety movement because it symbolizes the value of human life; and

WHEREAS, by wearing orange and commemorating National Gun Violence Awareness Day on June 7, Americans will raise awareness about gun violence and honor the lives and lost human potential stolen by gun violence in America; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes June 7, 2019, as National Gun Violence Awareness Day and encourages all Nebraskans to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Laid over.

#### REFERENCE COMMITTEE REPORT

2019 Resolution calling for an Interim Study

LR262	Interim study to examine issues under the jurisdiction of the Revenue Committee	Revenue
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(Signed) Mike Hilgers, Chairperson  
Executive Board

**MOTION(S) - Return LB470 to Select File**

Senator Chambers moved to return LB470 to Select File for the following specific amendment:

FA90

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB470 with 38 ayes, 6 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 470.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Arch	Crawford	Hansen, M.	Lowe	Slama
Blood	DeBoer	Hilgers	McCollister	Stinner
Bolz	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Wayne
Brewer	Gragert	La Grone	Murman	Williams
Briese	Groene	Lathrop	Pansing Brooks	Wishart
Cavanaugh	Halloran	Lindstrom	Quick	
Clements	Hansen, B.	Linehan	Scheer	

Voting in the negative, 2:

Chambers      Hunt

Present and not voting, 4:

Albrecht      Erdman      Howard      Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 470A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Arch	DeBoer	Hilgers	Lowe	Slama
Blood	Dorn	Hilkemann	McCollister	Stinner
Bolz	Friesen	Howard	McDonnell	Vargas
Bostelman	Geist	Hughes	Morfeld	Walz
Brandt	Gragert	Kolterman	Moser	Wayne
Brewer	Groene	La Grone	Murman	Williams
Briese	Halloran	Lathrop	Pansing Brooks	Wishart
Clements	Hansen, B.	Lindstrom	Quick	
Crawford	Hansen, M.	Linehan	Scheer	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Albrecht      Cavanaugh      Erdman      Hunt      Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB209 to Select File**

Senator Wishart moved to return LB209 to Select File for her specific amendment, FA64, found on page 1379.

**SPEAKER SCHEER PRESIDING**

Senator Wishart withdrew her motion to return.

**MOTION(S) - Recommit LB209 to Committee**

Senator Hunt offered the following motion to LB209:

MO109

Recommit to the Judiciary Committee.

**PRESIDENT FOLEY PRESIDING**

Senator Albrecht offered the following motion:

MO110

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Albrecht requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 36:

Albrecht	Crawford	Halloran	Lindstrom	Slama
Arch	DeBoer	Hansen, B.	Linehan	Stinner
Bolz	Dorn	Hilgers	Lowe	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Williams
Brandt	Friesen	Hughes	Moser	
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lathrop	Scheer	

Voting in the negative, 12:

Cavanaugh	Howard	McCollister	Vargas
Chambers	Hunt	Morfeld	Wayne
Hansen, M.	Kolowski	Pansing Brooks	Wishart

Present and not voting, 1:

Blood

The Albrecht motion to invoke cloture prevailed with 36 ayes, 12 nays, and 1 present and not voting.

The Hunt motion to recommit to committee failed with 8 ayes, 36 nays, and 5 present and not voting.

The Chair declared the call raised.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB209 with 37 ayes, 11 nays, and 1 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-327, 28-327.01, 28-345, and 28-806, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone; to provide duties for the Department of Health and Human Services; to require a confidential reporting form as prescribed; to change provisions relating to public indecency; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Albrecht	Clements	Halloran	Lindstrom	Slama
Arch	Crawford	Hansen, B.	Linehan	Stinner
Blood	Dorn	Hilgers	Lowe	Walz
Bolz	Erdman	Hilkemann	McDonnell	Williams
Bostelman	Friesen	Hughes	Moser	
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	La Grone	Quick	
Briese	Groene	Lathrop	Scheer	

Voting in the negative, 12:

Cavanaugh	Howard	McCollister	Vargas
Chambers	Hunt	Morfeld	Wayne
Hansen, M.	Kolowski	Pansing Brooks	Wishart

Present and not voting, 1:

DeBoer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 470, 470A, and 209.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 104.** Read. Considered.

Committee AM1884, found on page 1697, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LR104, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 257.** Read. Considered.

Senator Stinner offered his amendment, AM1974, found on page 1798.

The Stinner amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LR257, as amended, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 13.** Read. Considered.

Committee AM435, found on page 740, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LR13, as amended, was adopted with 28 ayes, 3 nays, 10 present and not voting, and 8 excused and not voting.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Arch name added to LR118.

**VISITOR(S)**

Visitors to the Chamber were Senator Cavanaugh's son and daughters, Barrett, Harriett, and Della Cavanaugh, and Senator Cavanaugh's parents, John and Kate Cavanaugh, from Omaha.

**MOTION - Adjournment**

Senator Lindstrom moved to adjourn until 9:00 a.m., Friday, May 31, 2019.

Senator Chambers moved for a call of the house. The motion failed with 16 ayes, 17 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Lindstrom motion to adjourn prevailed with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting, and at 6:33 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 31, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FOURTH DAY - MAY 31, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 31, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**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 Senator B. Hansen who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 30, 2019, at 6:30 p.m. were the following: LBs 470e, 470Ae, and 209.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

**MESSAGE(S) FROM THE GOVERNOR**

May 30, 2019

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 492 without my signature and with my objections.

LB 492 amounts to an incredible \$17 million property tax increase for all residents of Omaha and Douglas County because it moves the transit authority's property tax levy authority outside of the city and county tax lids and authorizes the new authority to double its existing property tax levy amount.

The bill allows the Omaha Transit Authority to convert itself into a new political subdivision that will have broader taxing authority. Once converted, a new regional metropolitan transit authority ("RMTA") will have the power to levy property taxes outside of the existing City of Omaha and Douglas County levy limits. Although the Omaha Transit Authority may levy property taxes now, those property taxes are under the City of Omaha and the Douglas County property tax levy and budget lid limits.

The existing Omaha Transit Authority is currently levying approximately 5 cents per \$100 against the total valuation of \$35.3 billion. In the most 2018-2019 budget year, the current 5-cent levy is costing Douglas County residents \$18,016,991 in property taxes.

In contrast, the stated purpose of the newly created RMTA is to obtain additional financing by levying the maximum 10 cents per \$100 against the same total valuation. Douglas County taxpayers would face at least a \$17 million dollar property tax increase. The new regional transportation authority would collect \$35 million annually.

Furthermore, LB 492 exempts the newly created RMTA from all existing statutory limits on allowable tax asking and budget growth for 5 years. No other political subdivision in Nebraska is given this expansive property tax increase ability.

For the owners of a \$200,000 home in Omaha, this increase could be as much as \$200 per year. The average farm in Douglas County is estimated to be valued at \$1,891,447 according to the National Agricultural Statistics Service. The increased property tax bill for a farm owner could be as much as \$1891 per year.

LB 492 also has the potential to raise property taxes in Sarpy County communities such as LaVista, Bellevue, and Papillion without a vote of the people. Currently, these cities contract with the Omaha Transit Authority for service to and from Omaha and surrounding communities. Under LB 492, these communities may join the RMTA by a two-thirds vote of their respective city councils. Once surrounding cities join the RMTA, the existing transportation contracts become nullified and the RMTA property tax is imposed on the entire community, with no input on the property tax levy rate from the respective city council or affected residents of these adjacent cities.

LB 492 represents a substantial step in the wrong direction in efforts to reduce property taxes. The bill creates a new political subdivision and vests it with extraordinary powers to levy property taxes and to spend outside of

the important existing lid limits that are imposed on every other political subdivision. The result is a \$17 million property tax increase on the residents of Douglas County. This will only make addressing property tax relief more difficult in the coming years.

According to the Nebraska Revenue Department, there are 2,336 separate governmental entities that can levy property taxes in Nebraska. Creating yet another separate entity and vesting it with greater property taxing powers is not the answer to solving transit issues in the metropolitan area.

The rationale for the entire legislative bill is to expand bus routes and to expand ridership. No business case has been made that raising property taxes to expand routes will lead to expanded ridership or to economic employment opportunities.

Before proceeding with this unprecedented property tax increase upon residents in Douglas and Sarpy Counties, I believe it is more wise to wait for the results of the Nebraska Department of Transportation's ("NDOT") long-range transportation plan study, which is scheduled to begin this summer. This study includes examining transit issues in Omaha and Douglas County in great detail to address local concerns with public transit.

For these reasons, I respectfully urge you to sustain my veto of LB 492.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 30, 2019

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 533 without my signature and with my objections.

A section of the legislation mandates that Nebraska marriage applications, marriage licenses and marriage certificates refer to the married couple as "Applicant 1" and "Applicant 2."

Following the United States Supreme Court's 2015 decision recognizing same-sex marriages, Nebraska amended the marriage application form to refer to couples as "Groom/Party A" and "Bride/Party B." The marriage license and certificate continue to reference the "Groom" and "Bride."

My disagreement with LB 533 is not with the intent to harmonize each of the three official marriage documents. However, while Nebraska must

legally accommodate same-sex couples, it is vital that our State also support the vast majority of Nebraskans who believe in traditional marriage.

LB 533 would also mandate the specific use of term "applicant" to refer to the parties. The term selected in the bill is workable for the marriage license application at which time the couple are applying for a license; however, both the marriage license and the formal certificate of marriage are issued after the parties are married. They are no longer "applicants." The mandated use of this term would be factually inaccurate on both the marriage license and the marriage certificate.

A better course of action is to amend the marriage license and the certificate of marriage to mirror the terminology presently used on the Application for Marriage so that all three documents refer to all couples as: "Groom/Party A" and "Bride/Party B." I have directed the Department of Health and Human Services to ensure all documents are harmonized. The other changes proposed in the bill can be addressed in the 2020 legislative session.

For each of these reasons, I respectfully urge you to sustain my veto of LB 533.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 30, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 86, 86A, 149, 186e, 186Ae, 334, 334A, 397, 433, 460e, 460Ae, 462, 468, 481, 481A, 511, 512e, 519, 532, 532A, 583, 592, 593e, 610, 610A, 630, 657e, 657Ae, 680, 686, and 690 were received in my office on May 24, 2019.

These bills were signed and delivered to the Secretary of State on May 30, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 30, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Leahy, Ed  
Emergent BioSolutions (Withdrawn 05/24/2019)  
Zulkoski Weber LLC  
Viaero Wireless

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 26.**

A BILL FOR AN ACT relating to legal service insurance corporations; to amend sections 44-3302 and 44-3303, Reissue Revised Statutes of Nebraska; to redefine a term; to exclude certain plans from the insurance laws as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	La Grone	Pansing Brooks
Arch	Crawford	Hansen, M.	Lathrop	Quick
Bolz	DeBoer	Hilgers	Lindstrom	Scheer
Bostelman	Dorn	Hilkemann	Linehan	Slama
Brandt	Erdman	Howard	Lowe	Stinner
Brewer	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Hunt	McDonnell	Walz
Cavanaugh	Gragert	Kolowski	Moser	Wayne
Chambers	Groene	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Blood            Morfeld            Williams

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 221.**

A BILL FOR AN ACT relating to the Title Insurers Act; to amend section 44-1984, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on powers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Williams

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 436.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to create the Complete Count Committee; to provide powers and duties for the Nebraska State Data Center program; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?" "

Voting in the affirmative, 38:

Arch	DeBoer	Hilkemann	McCollister	Stinner
Blood	Dorn	Howard	McDonnell	Vargas
Bolz	Friesen	Hunt	Morfeld	Walz
Brandt	Geist	Kolowski	Moser	Wayne
Briese	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Groene	La Grone	Quick	Wishart
Chambers	Hansen, M.	Lathrop	Scheer	
Crawford	Hilgers	Lindstrom	Slama	

Voting in the negative, 4:

Bostelman	Clements	Erdman	Lowe
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Present and not voting, 6:

Albrecht	Halloran	Linehan
Brewer	Hughes	Murman

Excused and not voting, 1:

Hansen, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 26, 221, and 436.

#### **MOTION(S) - Override Veto on LB492**

Senator Wayne offered the following motion to LB492:

MO111

Becomes law notwithstanding the objections of the Governor.

Senator Wayne moved for a call of the house. The motion prevailed with 32 ayes, 5 nays, and 12 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Blood	Dorn	Hunt	McDonnell	Vargas
Bolz	Friesen	Kolowski	Morfeld	Walz
Brandt	Gragert	Kolterman	Moser	Wayne
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Williams
Chambers	Hilkemann	Lindstrom	Quick	Wishart
Crawford	Howard	Linehan	Scheer	
DeBoer	Hughes	McCollister	Stinner	

Voting in the negative, 16:

Albrecht	Briese	Groene	La Grone
Arch	Clements	Halloran	Lowe
Bostelman	Erdman	Hansen, B.	Murman
Brewer	Geist	Hilgers	Slama

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

#### **MOTION(S) - Override Veto on LB533**

Senator Cavanaugh offered the following motion to LB533:  
MO112

Becomes law notwithstanding the objections of the Governor.

Senator Cavanaugh withdrew her motion to override the Governor's veto.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 147.** Read. Considered.

**LEGISLATIVE RESOLUTION 263.** Read. Considered.

**LEGISLATIVE RESOLUTION 264.** Read. Considered.

**LEGISLATIVE RESOLUTION 265.** Read. Considered.

**LEGISLATIVE RESOLUTION 266.** Read. Considered.

**LEGISLATIVE RESOLUTION 267.** Read. Considered.

**LEGISLATIVE RESOLUTION 270.** Read. Considered.

**LEGISLATIVE RESOLUTION 271.** Read. Considered.

**LEGISLATIVE RESOLUTION 272.** Read. Considered.

**LEGISLATIVE RESOLUTION 273.** Read. Considered.

**LEGISLATIVE RESOLUTION 274.** Read. Considered.

**LEGISLATIVE RESOLUTION 275.** Read. Considered.

**LEGISLATIVE RESOLUTION 276.** Read. Considered.

**LEGISLATIVE RESOLUTION 277.** Read. Considered.

**LEGISLATIVE RESOLUTION 278.** Read. Considered.

**LEGISLATIVE RESOLUTION 268.** Read. Considered.

**LEGISLATIVE RESOLUTION 269.** Read. Considered.

LRs 147, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, and 278 were adopted with 44 ayes, 0 nays, and 5 present and not voting.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 147, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, and 278.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 31, 2019, at 9:30 a.m. were the following: LBs 26, 221, and 436e.

(Signed) Laura Gerkin  
Clerk of the Legislature's Office

#### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR104.

(Signed) Julie Slama, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 104.** Introduced by Walz, 15; Bolz, 29; Cavanaugh, 6; Friesen, 34; Halloran, 33; Kolterman, 24; Linehan, 39; McCollister, 20; Quick, 35; Stinner, 48; Vargas, 7; Wishart, 27.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

WHEREAS, the report indicates that the Department of Health and Human Services knew of multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, as well as multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted-living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Oversight Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.

2. The State-Licensed Care Facilities Oversight Committee shall limit the scope of its inquiry to assisted-living facilities where many of the residents are diagnosed with a mental illness. The oversight committee shall also examine the recent closures of the mental health centers known as Life Quest, located in Palmer and Blue Hill.

3. The State-Licensed Care Facilities Oversight Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such facilities, the effectiveness of regulation and licensure by the Division of Public Health of the Department of Health and Human Services in providing oversight, and how the Department of Health and Human Services implements and administers its behavioral health services through the behavioral health regions to address the needs of this vulnerable population. The committee shall also investigate what steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, namely, the reasons that assisted-living facilities are the primary residential options for individuals with severe and persistent mental illness and alternatives, such as permanent supportive housing and services, do not exist. The committee shall also investigate whether the department is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the ADA. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

4. The State-Licensed Care Facilities Oversight Committee of the Legislature shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2019.

#### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR257.

(Signed) Julie Slama, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 257.** Introduced by Stinner, 48.

WHEREAS, the Nebraska Association of Former State Legislators has offered a gift of labor and materials to restore the gardens of the Capitol Courtyards; and

WHEREAS, the gift of labor and materials will be used to restore the gardens to the original design by Ernst Herminghaus with modifications agreed to by the State Capitol Administrator; and

WHEREAS, the installation of the gardens, including irrigation and drainage systems, plants, and other improvements within the courtyards of the State Capitol, will be accomplished by the funding provided by the gift and ongoing maintenance will be supported with amounts to be made available by the Nebraska Association of Former State Legislators; and

WHEREAS, the Nebraska Association of Former State Legislators and the Office of the Nebraska Capitol Commission have entered into a Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration which provides, among other specifications, that the State Capitol Administrator will provide oversight and supervise the work to be performed; and

WHEREAS, restoring the gardens within the courtyards of the State Capitol will provide an investment in the real property of the State of Nebraska which will be for the benefit of the people of the State of Nebraska; and

WHEREAS, the Appropriations Committee of the Legislature held a public hearing on this matter on May 23, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to section 81-1108.33 the Legislature approves the gift of labor and materials from the Nebraska Association of Former State Legislators for the restoration of the gardens of the State Capitol Courtyards.

2. That such approval is granted with the understanding that the gift will be implemented in accordance with the Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration.

**COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR13.

(Signed) Julie Slama, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 13.** Introduced by Murman, 38; Albrecht, 17; Blood, 3; Briese, 41; Dorn, 30; Gragert, 40; Halloran, 33; Lowe, 37.

WHEREAS, milk is a standardized food, described in 21 C.F.R. 131.110(a) as the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows; and

WHEREAS, further standards of identity have long been promulgated for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related products under the Federal Food, Drug, and Cosmetic Act and regulations of the federal Food and Drug Administration that require milk or cream as an essential and characteristic element of the product; and

WHEREAS, there has been an emergence and expansion of plant-based products labeled with names that include standardized dairy food terms such as milk, cultured milk, and cheese that are often sold in packaging mimicking that of real dairy food counterparts and often sold within or adjacent to the dairy display in retail stores; and

WHEREAS, such plant-based milk and other dairy food analog products may not have the same basic nature and characterizing composition as real dairy counterparts and differ in physical properties, nutritional composition, flavor characteristics, and shelf life such that they are not suitable dairy food substitutes, and, except for fortified soy beverages, do not meet the recommendation for dairy food group intake in the 2015-2020 Dietary Guidelines for Americans published by the United States Department of Agriculture and the United States Department of Health and Human Services; and

WHEREAS, consumer demand for such plant-based dairy food analog products is in part derived from cultivating consumer perceptions that falsely equate such products compositionally, nutritionally, and functionally with real dairy food products by utilization of the term milk and other standardized dairy food product terms in non-dairy product names; and

WHEREAS, such change in perception is eroding the market distinction and the unique cultural, dietary, historical, and culinary values consumers associate with high-quality dairy products supplied by America's dairy farmers; and

WHEREAS, the federal Food and Drug Administration has initiated a review of labeling issues associated with the use of milk and other dairy terms with standardized definitions in the names of products that are derived from non-dairy sources in Docket ID FDA-2018-N-3522 and has invited comments regarding how consumers' understanding, perception, purchase practices, and consumption of plant-based milk and other dairy food analog products is influenced by the use of milk and other standardized dairy terms to identify non-dairy products; and

WHEREAS, the Legislature of North Carolina during its 2018 session became the first state legislature to enact legislation through passage of SB711 which directs the North Carolina Department of Agriculture to prepare regulations and enforcement policies to address mislabeling of

plant-based milk and other dairy food analog products and to implement such regulations when at least ten other states pass similar legislation; and

WHEREAS, additional states may consider similar legislation in the absence of clear federal direction and enforcement of the use of standardized dairy food terms for the labeling of plant-based milk and other dairy food analog products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the appropriate federal agencies of the United States Government responsible for food labeling to:

a. Establish and enforce standards for nomenclature of plant-based imitation milk and dairy food products that are truthful, not misleading, and sufficient to differentiate non-dairy derived beverages and food products from milk and dairy products that conform to the standard of identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;

b. Enforce product labeling and statements of product identity that exclusively reserve the use of the term milk and other standardized dairy food product terms such as yogurt, butter, ice cream, and cheese to products derived from real dairy origin that conform to the standards of identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug, and Cosmetic Act; and

c. Ensure certainty and consistency in regulation of the labeling of traditional dairy milk and other real dairy food products and plant-based beverages and other dairy food analog products to aid consumer understanding of the distinction between such products and to avoid market distortion.

2. That a copy of this resolution be sent to President Donald J. Trump, Commissioner of Food and Drugs of the United States Department of Health and Human Services Scott Gottlieb, M.D., United States Secretary of Agriculture George E. (Sonny) Perdue, III, and to each member of Nebraska's congressional delegation.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 104, 257, and 13.

#### **COMMUNICATION**

May 31, 2019

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB492 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB492, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:lg  
Enc.

#### **CERTIFICATE**

Legislative Bill 492, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 31st day of May 2019.

(Signed) Mike Foley  
President of the Legislature

#### **COMMUNICATION**

May 31, 2019

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB533, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:lg

#### **MOTION - Notify Governor**

Senator Bolz moved that a committee of five be appointed to notify the Governor that the One Hundred Sixth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Clements, Crawford, Hilgers, McDonnell, and Slama to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

#### **MOTION(S) - Suspend Rules**

Senator Scheer offered his motion, found on page 1817, and corrected on page 1851, to suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 13, 88, 98, 101, 172, 178, 191, 239, 246, 280, 330, 332, 342, 360, 385, 434, 452, 479, 522, 544, 547, 566, 574, 579, 584, 608, 618, 626, 642, 642A, 694, 733, 733A, and 737.

The Scheer motion to suspend the rules prevailed with 40 ayes, 1 nay, and 8 present and not voting.

#### **MOTION - Journal, Session Laws, and Indexes**

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

#### **MOTION - Eighty-Fourth Day Journal**

Senator Crawford moved that the Journal for the Eighty-Fourth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

#### **VISITOR(S)**

Visitors to the Chamber were Emily Schlichting from Omaha; member of the Western Australia Legislative Assembly, Ian Blayney, and Barbara Blayney from Western Australia; Senator Wayne's wife, daughter, and son, Katie, Mya, and Thomas Wayne, from Omaha; and Senator Wayne's cousins, Suraya Wayne and Arien Parker, from Omaha.

#### **MOTION - Adjourn Sine Die**

Senator Kolowski moved that the One Hundred Sixth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:40 a.m., adjourn sine die.

Senator Erdman requested a roll call vote on the motion to adjourn.

The motion to adjourn sine die prevailed with 37 ayes, 9 nays, 1 present and not voting, and 2 absent and not voting.

Patrick J. O'Donnell  
Clerk of the Legislature



**RECEIVED AFTER ADJOURNMENT**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**MESSAGE(S) FROM THE GOVERNOR**

June 4, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 209 was received in my office on May 30, 2019.

Engrossed Legislative Bills 26 and 221 were received in my office on May 31, 2019.

These bills were signed and delivered to the Secretary of State on June 4, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

June 4, 2019

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 436e without my signature and with my objections.

LB 436e was advanced from committee only ten days before the 106th Legislature, First Session adjourned Sine Die and is unnecessary. As the Department of Commerce notes in the 2020 Census Complete Count Committee Guide, Complete Count Committees (CCC) are volunteer committees. In Nebraska, communities are already coming together to voluntarily create Complete Count Committees. The cities of Grand Island, Lexington, Lincoln, Norfolk, Omaha, and Schuyler, Sarpy County, the Karen Society of Nebraska-Lincoln Chapter and the South Platte United

Chambers of Commerce have each created local Complete Count Committees.

In addition, LB 436e gives inappropriate authority to a single program within the University system to create a statewide Complete Count Committee without any guidance, parameters, duties or goals from the state. Furthermore, the Complete Count activities recommended by the Department of Commerce, such as Census parades and Interfaith breakfasts, are not activities the University should be asked to focus its energy on.

The State of Nebraska is committed to a complete and accurate census, and I will support the Census Bureau in promoting Nebraskans to participate in the 2020 Census. I invite each Nebraska State Senator to join me in encouraging their constituents to participate in the 2020 Census.

(Signed) Sincerely,  
Pete Ricketts  
Governor

June 4, 2019

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 470e and LB 470Ae without my signature and with my objections. I consulted with the Nebraska Attorney General on whether LB 470e was unconstitutional under the Nebraska Constitution. Ensuring legislation complies with the limits established by the Constitution is our primary obligation to Nebraskans.

The Attorney General found LB 470, violates Article VIII, section 1 as the bill attempts to redefine real property as tangible personal property. Relying on this opinion, I have vetoed LB 470e and LB 470Ae. While I have no specific objections to the underlying policy contained within LB 470e, I will not sign a bill that the Attorney General has found violates the Nebraska Constitution.

For these reasons, I have vetoed LB 470e and LB 470Ae.

(Signed) Sincerely,  
Pete Ricketts  
Governor

**COMMUNICATION**

May 30, 2019

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Patrick:

Please be advised that the Rules Committee will be conducting the interim study for LR159 (Interim study to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature) and LR217 (Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements on legislation).

Respectfully,  
(Signed) Senator Mike Hilgers  
Chair, Executive Board

C: Senator Crawford  
Chair, Rules Committee

**CERTIFICATE**

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Sixth Legislature, First Session.

Patrick J. O'Donnell  
Clerk of the Legislature

June 6, 2019  
Lincoln, Nebraska

