CARRYOVER

LEGISLATION

Bill Titles and Resolutions
Introduced in the
One Hundred Sixth Legislature, First Session, 2019,
and Pending Before the
One Hundred Sixth Legislature, Second Session, 2020

January 8, 2020

03-01-10-2019
STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
One Hundred Sixth Legislature, First Session, 2019
and pending before the
One Hundred Sixth Legislature, Second Session, 2020

General File (86): 66 85 627 400 142 287 30 381 93 206 230 322 477 477A 68
107 424 9 148 594 305 311 311A 520 396 457 76 236 266 734 345 731 534 379
169 44 231 231A 310 483 483A 550 41 137 137A 518 347 541 312 126 700
540 303 670 670A 643 387 267 337 205 205A 329 607 607A 157 106 219 378
289 289A 110 109 582 448 527 153 288 515 147 132 133 238 131 369 388 577

Select File (5): 188 361 183 720 720A

Final Reading (7): 4 4A 254 323 323A 450 450A

Failed on Final Reading (1): 306

BILLS HELD BY COMMITTEES:

Agriculture (9): 45 201 229 321 344 382 655 729 732

Appropriations (35): 24 100 129 171 174 181 199 202 225 226 232 292 326 327
394 403 404 425 446 480 485 494 531 551 552 558 562 586 587 625 666 669
673 678 703

Bank., Com. & Ins. (11): 228 257 265 274 370 407 453 501 569 602 672


Education (40): 27 73 104 120 161 165 241 251 346 350 351 358 398 416 431
432 488 495 513 537 563 568 588 639 640 647 650 656 662 668 671 674 676
679 695 702 725 727 728 LR5CA

Executive Board (19): 105 253 261 283 313 466 467 572 596 598 599 631 636
681 LR2 LR11CA LR12CA LR15 LR16

General Affairs (5): 591 635 682 722 723

Gov., Mil. & Vet. Afrs. (35): 20 21 64 83 99 118 144 150 151 163 175 189 204
210 211 273 336 373 386 412 415 451 543 581 633 687 704 709 711 717 718
736 LR7 LR9 LR118
RESOLUTIONS

Hlth. & Human Serv. (29): 37 140 245 255 328 341 402 422 423 439 459 489 498 499 528 554 555 557 567 597 629 645 653 654 692 701 716 730 735


Natural Resources (9): 46 53 285 367 368 509 580 606 632


Revenue (68): 5 18 50 69 84 97 134 158 162 170 182 187 242 250 263 272 276 279 290 291 314 338 349 357 393 410 413 417 419 420 429 437 440 441 444 456 473 482 493 497 506 507 508 523 529 530 535 542 545 601 605 613 614 615 623 628 661 664 677 688 705 707 710 714 724 738 LR3CA LR8CA


Urban Affairs (7): 95 136 197 234 317 648 721

(Totals in parentheses include bills, A bills, and resolutions of each section.)
TITLES TO BILLS


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 4A. Introducer 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 5. Introducer by Blood, 3; Gragert, 40; Hunt, 8.

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.


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. Introducer 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 17. Introducer by Briese, 41; McDonnell, 5.

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. Introducer 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. Introducer 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.** Introducer 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.** Introducer 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 24.** Introducer by Kolterman, 24.

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

**LEGISLATIVE BILL 27.** Introducer 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.** Introducer by Kolterman, 24; Brandt, 32; Dorn, 30.

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 30.** Introducer 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

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.


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. Introducer 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. Introducer by Hilkemann, 4; Morfeld, 46.

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, 60-3,134, 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, 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. Introducer by Hilkemann, 4; McDonnell, 5.
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.** Introducer by Hilkemann, 4; McDonnell, 5.

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.** Introducer by Hilkemann, 4; Albrecht, 17; Hunt, 8.

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 43.** Introducer by Bolz, 29; Hunt, 8.

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

**LEGISLATIVE BILL 44.** Introducer by Chambers, 11; Hunt, 8; Cavanaugh, 6.

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, 29-2200, 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. Introducer by Chambers, 11.


LEGISLATIVE BILL 46. Introducer 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 50. Introducer by Vargas, 7; Hunt, 8.

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. Introducer by Vargas, 7; Lindstrom, 18; Hunt, 8.

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 53. Introducer 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. Introducer by Lowe, 37; Erdman, 47; Halloran, 33.

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 58. Introducer by Morfeld, 46; Hunt, 8.

A BILL FOR AN ACT 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 64. Introducer 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 66. Introducer by Hansen, M., 26; Hunt, 8; Bolz, 29.

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 68. Introducer 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.


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 73. Introducer 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 76. Introducer 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 83. Introducer by Wayne, 13; Hunt, 8; Chambers, 11.

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. Introducer 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. Introducer by Wayne, 13; McDonnell, 5.

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 89. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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.


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.


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. Introducer 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 104. Introducer by Linehan, 39; Koltermen, 24; Wayne, 13.
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. Introducer by Linehan, 39.

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

LEGISLATIVE BILL 106. Introducer 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. Introducer 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. Introducer 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.


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. Introducer 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 113. Introducer 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. Introducer 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 118. Introducer 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 120. Introducer 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 126. Introducer 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 128. Introducer 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. Introducer by Wayne, 13.
A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

**LEGISLATIVE BILL 131.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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 136.** Introducer 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.** Introducer by Blood, 3; Wayne, 13.

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 137A.** Introducer 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.

LEGISLATIVE BILL 140. Introducer 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 142. Introducer 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. Introducer 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. Introducer 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 147. Introducer by Groene, 42; La Grone, 49; Clements,
2; Halloran, 33; Albrecht, 17.

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. Introducer 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
 LEGISLATIVE BILL 150. Introducer by Brewer, 43; Blood, 3.

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. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

 LEGISLATIVE BILL 153. Introducer by Brewer, 43; Blood, 3; Bostelman, 23; Clements, 2; Crawford, 45; Gragert, 40; Linehan, 39; Lowe, 37; Pansing Brooks, 28; Arch, 14; Lindstrom, 18; Hansen, B., 16.; 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 157. Introducer 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. Introducer by Brewer, 43; Erdman, 47.

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 161. Introducer by Erdman, 47; Clements, 2; Friesen, 34.

TITLES TO BILLS


LEGISLATIVE BILL 162. Introducer 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. Introducer by Hunt, 8; Blood, 3; Quick, 35.

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. Introducer by Hunt, 8; Crawford, 45; Howard, 9; McCollister, 20; Morfeld, 46; Walz, 15; Blood, 3.

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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer by Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Blood, 3; Chambers, 11.

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. Introducer by Pansing Brooks, 28.

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

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. Introducer by Bolz, 29; Hilkemann, 4; Wayne, 13.

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. Introducer 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. Introducer 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 181. Introducer 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. Introducer 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. Introducer 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 187. Introducer by Lindstrom, 18; Wishart, 27.

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.** Introducer by Lindstrom, 18; Wishart, 27; Kolterman, 24.

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.** Introducer 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 197.** Introducer 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.** Introducer by Halloran, 33; Erdman, 47; Brewer, 43.

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.** Introducer 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 201.** Introducer 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. Introducer 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 204. Introducer 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. Introducer by Kolterman, 24; Erdman, 47; Geist, 25; Howard, 9; Linehan, 39; Williams, 36; Wishart, 27; Hunt, 8; Murman, 38; Slama, 1.

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 205A. Introducer 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 206. Introducer 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. Introducer by Morfeld, 46; Hunt, 8.

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. Introducer 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 210.** Introducer by Crawford, 45; McCollister, 20; Quick, 35; Cavanaugh, 6.

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.** Introducer 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 213.** Introducer 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 215.** Introducer 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.** Introducer 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 219.** Introducer 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 225. Introducer by Quick, 35; Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 226. Introducer 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 228. Introducer 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. Introducer 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. Introducer by Pansing Brooks, 28; Hunt, 8.

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. Introducer 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 231A. Introducer 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.

LEGISLATIVE BILL 232. Introducer 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.


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.


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 236. Introducer 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 238. Introducer 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 240. Introducer 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. Introducer 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.


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 245. Introducer 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 247. Introducer 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 249. Introducer by Howard, 9; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Wishart, 27; Blood, 3.

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. Introducer 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. Introducer 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.


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. Introducer 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 adopt the Fair Chance Hiring Act.

LEGISLATIVE BILL 255. Introducer 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.


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 261. Introducer 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. Introducer 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. Introducer 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 265. Introducer 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. Introducer 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. Introducer by Bolz, 29; Dorn, 30.

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 271. Introducer 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. Introducer 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.


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. Introducer 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. Introducer by Hansen, M., 26; Hunt, 8.
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. Introducer 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. Introducer 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. Introducer 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. Introducer 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 282. Introducer by Hansen, M., 26; Cavanaugh, 6; Hunt, 8.

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. Introducer by Pansing Brooks, 28; Hunt, 8.
A BILL FOR AN ACT relating to climate; to provide duties for the University of Nebraska; to transfer funds; to require reports.

**LEGISLATIVE BILL 285.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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 289A.** Introducer 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.

LEGISLATIVE BILL 290. Introducer 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. Introducer by Linehan, 39; Gragert, 40.

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. Introducer by Vargas, 7; McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

LEGISLATIVE BILL 303. Introducer by Lindstrom, 18; Erdman, 47; 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 305. Introducer 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. Introducer by Crawford, 45; McCollister, 20.

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 310. Introducer 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. Introducer by Crawford, 45; Blood, 3; Cavanaugh, 6; Hansen, M., 26; 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 311A. Introducer 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 312. Introducer by Hansen, B., 16; Howard, 9.

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.

LEGISLATIVE BILL 313. Introducer 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. Introducer by Briese, 41; Friesen, 34; Brandt, 32; Pansing Brooks, 28; Halloran, 33.

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 relating to 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.


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 321. Introducer 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. Introducer 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. Introducer by Crawford, 45; Linehan, 39; Blood, 3.

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 323A. Introducer 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.

LEGISLATIVE BILL 324. Introducer 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. Introducer by Bostelman, 23; Brewer, 43.

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. Introducer 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. Introducer by Bolz, 29; Hilkemann, 4.

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. Introducer 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.** Introducer 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 331.** Introducer 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 335.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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 341.** Introducer 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 343.** Introducer by Halloran, 33; Briese, 41; Erdman, 47; Brewer, 43.

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.** Introducer by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Blood, 3; 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

**LEGISLATIVE BILL 345.** Introducer by Wishart, 27.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

**LEGISLATIVE BILL 346.** Introducer 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.** Introducer 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 349. Introducer 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. Introducer 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. Introducer 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 353. Introducer 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 357. Introducer 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. Introducer 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.


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.


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.


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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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 373. Introducer 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 376. Introducer 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. Introducer 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.

LEGISLATIVE BILL 378. Introducer by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2; Dom, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27; Linehan, 39; Morfeld, 46.

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.


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 381. Introducer by Hansen, B., 16.

TITLES TO BILLS 41

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, 81-1174, 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. Introducer by Geist, 25; Brewer, 43.

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.

LEGISLATIVE BILL 383. Introducer 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 386. Introducer 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. Introducer by Pansing Brooks, 28.

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. Introducer 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. Introducer 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 391. Introducer 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 393. Introducer 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. Introducer 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. Introducer 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 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.


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 398. Introducer 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.

LEGISLATIVE BILL 400. Introducer 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. Introducer 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. Introducer 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. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide a duty for the Department of Health and Human Services.


A BILL FOR AN ACT relating to appropriations; to state intent relating to medicaid budgeting.


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. Introducer 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.


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 412. Introducer 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. Introducer 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 415. Introducer 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.

LEGISLATIVE BILL 416. Introducer 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. Introducer 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 419. Introducer 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. Introducer 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. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to asbestos; to adopt the Asbestos Trust Claims Transparency Act.

LEGISLATIVE BILL 422. Introducer 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. Introducer 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. Introducer 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; Morfeld, 46; Gragert, 40; DeBoer, 10.

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. Introducer 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. Introducer 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.


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 431. Introducer by Groene, 42; Erdman, 47.

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. Introducer by Groene, 42; Erdman, 47.

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.


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 437. Introducer 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. Introducer 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. Introducer by Crawford, 45; Kolowski, 31; Blood,
3; Hilkemann, 4; Groene, 42.

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. Introducer 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. Introducer 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 444. Introducer 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 446. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the
County Justice Reinvestment Grant Program.

LEGISLATIVE BILL 448. Introducer 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 450. Introducer by Wishart, 27; Brewer, 43; Lowe, 37; Hunt, 8.

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 450A. Introducer 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.

LEGISLATIVE BILL 451. Introducer 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; Linehan, 39.

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 453. Introducer 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 455. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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 461. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-301, 75-302, 75-303, 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.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 466. Introducer by Howard, 9; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 467. Introducer 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 471. Introducer 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 473. Introducer 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. Introducer 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. Introducer 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 477. Introducer by Vargas, 7; Dorn, 30; McCollister, 20; Quick, 35.
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 477A. Introducer 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.

LEGISLATIVE BILL 480. Introducer 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 482. Introducer 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. Introducer by Erdman, 47; Halloran, 33.

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 483A. Introducer 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.

LEGISLATIVE BILL 484. Introducer 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.** Introducer 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 487.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer by Wayne, 13; Brandt, 32.

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.

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.


A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

LEGISLATIVE BILL 495. Introducer 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 497. Introducer 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; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-202, 77-382, 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. Introducer 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. Introducer 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.** Introducer 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.** Introducer by Hunt, 8.

A BILL FOR AN ACT relating to in vitro fertilization procedures as prescribed; and to provide for rules and regulations by the Department of Insurance.

**LEGISLATIVE BILL 502.** Introducer by Hunt, 8.

A BILL FOR AN ACT relating to immigration; to adopt the Limited Immigration Inquiry Act.

**LEGISLATIVE BILL 503.** Introducer 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.** Introducer 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 506.** Introducer 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.** Introducer 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. Introducer 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. Introducer 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. Introducer 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 513. Introducer 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 515. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections
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. Introducer by Pansing Brooks, 28; Linehan, 39;
Slama, 1; Bostelman, 23.
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. Introducer by Pansing Brooks, 28; Linehan, 39; Slama, 1; Bostelman, 23; Hunt, 8.

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. Introducer by Linehan, 39; Pansing Brooks, 28; Slama, 1; Cavanaugh, 6.

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 520. Introducer 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.


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 523. Introducer 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.

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. Introducer 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. Introducer 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. Introducer 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. Introducer 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. Introducer 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 534. Introducer 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. Introducer by Cavanaugh, 6; DeBoer, 10; Hansen, M., 26; Hunt, 8; McCollister, 20; Pansing Brooks, 28.
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 537.** Introducer 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 539.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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 545.** Introducer 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.** Introducer 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 548.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for development districts.

**LEGISLATIVE BILL 552.** Introducer 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. Introducer 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. Introducer 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. Introducer 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 557. Introducer 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. Introducer by Hilkemann, 4.

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


A BILL FOR AN ACT relating to appropriations; to state intent relating to University of Nebraska facilities and appropriations.

LEGISLATIVE BILL 563. Introducer by Bolz, 29; Quick, 35.

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
LEGISLATIVE BILL 565. Introducer 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 567. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Prescription Drug Cost Transparency Act.

LEGISLATIVE BILL 568. Introducer 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. Introducer by Morfeld, 46; Groene, 42.

A BILL FOR AN ACT relating to health care benefits; to adopt the Out-of-Network Consumer Protection, Transparency, and Accountability Act.

LEGISLATIVE BILL 572. Introducer 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 576. Introducer 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. Introducer 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. Introducer 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 580. Introducer 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. Introducer 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. Introducer by Brewer, 43; McDonnell, 5; Halloran, 33.

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 586. Introducer 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. Introducer 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. Introducer 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.

LEGISLATIVE BILL 589. Introducer 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 591. Introducer 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 594. Introducer by Blood, 3; Williams, 36; Briese, 41; Brandt, 32; Dorn, 30; Walz, 15; Murman, 38.

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 596. Introducer 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. Introducer 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. Introducer 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. Introducer 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 601.** Introducer 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.** Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to property tax; 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 604.** Introducer by Lindstrom, 18; Kolterman, 24.

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.** Introducer by Lindstrom, 18; Kolterman, 24; Lowe, 37; Stinner, 48; Albrecht, 17; Moser, 22; Wishart, 27; Brewer, 43; Williams, 36.

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.** Introducer 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.

**LEGISLATIVE BILL 607.** Introducer by Kolterman, 24.

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.


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 611. Introducer 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; Blood, 3; Howard, 9; Lathrop, 12; Hunt, 8; Wayne, 13; Wishart, 27.

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. Introducer 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. Introducer 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. Introducer by Crawford, 45; Pansing Brooks, 28.

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. Introducer 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 617. Introducer 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.


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.


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 623. Introducer 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 625. Introducer by Pansing Brooks, 28.
A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 627. Introducer by Pansing Brooks, 28; Hunt, 8; McCollister, 20; Morfeld, 46; Cavanaugh, 6.

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.


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. Introducer 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 631. Introducer 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. Introducer 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. Introducer 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. Introducer 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; McDonnell, 5.

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. Introducer 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. Introducer 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 639. Introducer by Stinner, 48; Linehan, 39.

A BILL FOR AN ACT relating to workforce development; to adopt the H3 Careers Scholarship Act.

LEGISLATIVE BILL 640. Introducer by Howard, 9; Slama, 1; La Grone, 49.

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 643. Introducer by McDonnell, 5; Hilkemann, 4.

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.


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. Introducer 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. Introducer 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. Introducer 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.


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.


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. Introducer by Wayne, 13.
TITLES TO BILLS

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. Introducer 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.


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.


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.


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.


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. Introducer 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.


A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2018; to define a term; 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 661. Introducer 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. Introducer 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 664.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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 670A. Introducer 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.

LEGISLATIVE BILL 671. Introducer 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. Introducer 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. Introducer 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. Introducer 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 676. Introducer by Groene, 42.

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

**LEGISLATIVE BILL 677.** Introducer by Groene, 42; Halloran, 33; Brewer,
43.

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.** Introducer 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.** Introducer 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 681.** Introducer 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.** Introducer 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.** Introducer 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
defered 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.** Introducer by Lathrop, 12.
LEGISLATIVE BILL 685. Introducer 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 687. Introducer 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. Introducer by Cavanaugh, 6; Blood, 3; Dorn, 30; Geist, 25; Howard, 9; Hunt, 8; Koltermann, 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. Introducer 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 691. Introducer 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. Introducer 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 695. Introducer by Groene, 42; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Geist, 25; Linehan, 39; Erdman, 47.

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. Introducer 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. Introducer 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 700. Introducer 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.** Introducer 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.** Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to education; to adopt the Campus Safety Act.

**LEGISLATIVE BILL 703.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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.** Introducer 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; Pansing Brooks, 28; Morfeld, 46; Hansen, M., 26; Vargas, 7.

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.** Introducer 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.** Introducer by Cavanaugh, 6; Chambers, 11; Hunt, 8.

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.** Introducer 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 714.** Introducer 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 716.** Introducer 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.** Introducer 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.** Introducer 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 720.** Introducer by Kolterman, 24; Albrecht, 17; Arch, 14; Geist, 25; Hilgers, 21; Hilkemann, 4; La Grone, 49; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; 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.

**LEGISLATIVE BILL 720A.** Introducer 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.

**LEGISLATIVE BILL 721.** Introducer 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. Introducer 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. Introducer 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. Introducer by Vargas, 7; Cavanaugh, 6; Pansing Brooks, 28; Wayne, 13; Wishart, 27; Morfeld, 46.

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. Introducer 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 727. Introducer 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. Introducer 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. Introducer by Walz, 15; Brandt, 32.

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. Introducer by Walz, 15.


LEGISLATIVE BILL 731. Introducer 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. Introducer 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 734. Introducer by Hunt, 8; Briese, 41.

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. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide a duty.

LEGISLATIVE BILL 736. Introducer 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.


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. Introducer 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.
RESOLUTIONS

LEGISLATIVE RESOLUTION 2. Introducer 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 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.

LEGISLATIVE RESOLUTION 3CA. Introducer by Erdman, 47; Briese, 41.

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.

LEGISLATIVE RESOLUTION 5CA. Introducer by Brewer, 43; Briese, 41; Halloran, 33; 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 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 7. Introducer 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; Gragert, 40; Friesen, 34.
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.

LEGISLATIVE RESOLUTION 8CA. Introducer 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.

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.


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 has been 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.

LEGISLATIVE RESOLUTION 11CA. Introducer 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 is a registered voter, has attained

...
the age of nineteen twenty-one years, and has resided within the district from which he is elected for the term of one year next before his or her election, unless the person has been absent on the public business of the United States or of this State. No person elected as a member of the Legislature 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.

LEGISLATIVE RESOLUTION 12CA. Introducer 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.

LEGISLATIVE RESOLUTION 15. Introducer 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.

LEGISLATIVE RESOLUTION 16. Introducer 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.

LEGISLATIVE RESOLUTION 118. Introducer 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; Hilker, 4; Howard, 9; Kolowski, 31; Koloterman, 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; Lowe, 37; Vargas, 7; Arch, 14.

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.
FIRST DAY - JANUARY 8, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 2020

PRAYER

The prayer was offered by Senator Williams.

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, Second 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 8, 2020, and was called to order by President Foley.

The roll was called and the following members were present:

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<tr>
<th>Name</th>
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<tr>
<td>Albrecht, Joni</td>
<td>Gragert, Tim</td>
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<td>Hilkemann, Robert</td>
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<td>Crawford, Sue</td>
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<td>Vargas, Tony</td>
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<td>La Grone, Andrew</td>
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<td>Linehan, Lou Ann</td>
<td>Wishart, Anna</td>
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<td>Geist, Suzanne</td>
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</tbody>
</table>
CERTIFICATE

State of Nebraska

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

I, Robert B. Evnen, Secretary of State of the State of Nebraska, do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Sixth Legislature, Second Session, 2020.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Sixth Legislature, Second Session, 2020.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 8, 2020.

(SEAL) (Signed) Robert B. Evnen
Secretary of State

<table>
<thead>
<tr>
<th>DISTRICT/NAME</th>
<th>ELECTED</th>
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<tbody>
<tr>
<td>1  Julie Slama - Appointed</td>
<td>January 9, 2019</td>
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<tr>
<td>2  Robert Clements</td>
<td>November 6, 2018</td>
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<td>3  Carol Blood</td>
<td>November 8, 2016</td>
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<td>4  Robert Hilkemann</td>
<td>November 6, 2018</td>
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<td>5  Mike McDonnell</td>
<td>November 8, 2016</td>
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<td>6  Machaela Cavanaugh</td>
<td>November 6, 2018</td>
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<td>7  Tony Vargas</td>
<td>November 8, 2016</td>
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<td>8  Megan Hunt</td>
<td>November 6, 2018</td>
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<td>9  Sara Howard</td>
<td>November 8, 2016</td>
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<td>10 Wendy DeBoer</td>
<td>November 6, 2018</td>
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<td>11 Ernie Chambers</td>
<td>November 8, 2016</td>
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<td>12 Steve Lathrop</td>
<td>November 6, 2018</td>
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<td>13 Justin Wayne</td>
<td>November 8, 2016</td>
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<td>14 John Arch</td>
<td>November 6, 2018</td>
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<td>15 Lynne M. Walz</td>
<td>November 8, 2016</td>
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<td>16 Ben Hansen</td>
<td>November 6, 2018</td>
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<td>17 Joni Albrecht</td>
<td>November 8, 2016</td>
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<td>18 Brett Lindstrom</td>
<td>November 6, 2018</td>
</tr>
<tr>
<td>19 Jim Scheer</td>
<td>November 8, 2016</td>
</tr>
</tbody>
</table>
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:

Dorothy C. Anderson, 3210 Van Dorn Street, Lincoln, NE 68502
Jacque Carter, 535 Boswell Avenue, Crete, NE 68333

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 25, 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 State Emergency Response Commission:

Kyle Keeling, 1420 2nd Street, Sutherland, NE 69165
Tonya Ngotel, 1929 Washington Street, Lincoln, NE 68502

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 25, 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 Child Abuse Prevention Fund Board:

David J. Hansen, Ph.D., 7510 Cantrell Circle, Lincoln, NE 68523
Jillian Chance, 3625 Old Dominion Road, Lincoln, NE 68516

Contingent upon your approval, the following individual is being reappointed to the Nebraska Child Abuse Prevention Fund Board:
Shelly K. McQuillan, 1106 East G Street, Ogallala, NE 69153

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 26, 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 Commission on Problem Gambling:

Kelly Lambert, 239 Courtland Street, Turnbull, NE 68980

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

June 26, 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 Tourism Commission:

Robert Phillip Sabin Jr., 7818 Shirley Street, Omaha, NE 68124
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

June 26, 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 Environmental Quality Council:

Karl Barfuss, 3205 Gold View Drive, Norfolk, NE 68701
Norris Marshall, 186 W Road, Kearney, NE 68845

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Douglas Anderson, 1407 West 10 Road, Aurora, NE 68818
Dennis D. Grams, 8701 S. 64 Street, Lincoln, NE 68516
James W. Hawks, 3121 West Phillip, North Platte, NE 69101

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 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 Board of Parole:

Mark T. Langan, 3514 N. 12th Avenue, Omaha, NE 68164

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 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 as the Director of the Department of Economic Development:

Anthony Goins, 3224 Sheridan Court, 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

August 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 individuals are being reappointed to the Nebraska Ethanol Board:
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

August 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 as the Chief Medical Officer and Director of the Nebraska Department of Health and Human Services - Division of Public Health:

Gary J. Anthone, M.D., F.A.C.S., 10506 Burt Circle, Omaha, NE 68114

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 17, 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 Motor Vehicle Industry Licensing Board:

Curt Prohaska, 18977 SW 66th Street, Crete, NE 68333
Contingent upon your approval, the following individuals are being reappointed to the Nebraska Motor Vehicle Industry Licensing Board:

Joseph Kosiski, 5808 M Street, Omaha, NE 68117
Stephan Budke, 920 Dillon Circle, North Platte, NE 69101
Dennis R. Schworer, 417 Ridgewood Drive, Bellevue, NE 68005

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

September 19, 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 Coordinating Commission for Postsecondary Education:

Timothy Daniels, 9214 Crown Point Avenue, Omaha, NE 68134
Charles Garman, 16859 Saratoga Circle, Omaha, NE 68116

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

September 19, 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 Power Review Board:

Elizabeth A. Hilyard, 210038 Pinecone Drive, Gering, NE 69341

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 19, 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 Racing Commission:

Janelle Beveridge, 411 West 2nd Street, Paxton, NE 69155

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 24, 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 Environmental Quality Council:
Seth B. Harder, 54011 Highway 20, Plainview, NE 68769

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 25, 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 Technical Advisory Committee on Statewide Assessment:

Chad W. Buckendahl, Ph.D., 2467 Cordoba Bluff Court, Las Vegas, NV, 89135
Cindy Gray, 3861 S. 182 Street, Omaha, NE 68130

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

September 25, 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 Crime Victim's Reparations Committee:
Anne C. Boatright, 12323 Westover Road, 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

September 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:

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Polly Ann Jorden, 4032 Buckingham Drive, Grand Island, NE 68803
Kimberly K. Plouzek, 1417 County Road D, Dorchester, NE 68343

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

September 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:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044
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

November 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 individuals are being appointed to the Beginning Farmer Board:

Wade E. Thornburg, 608 27th Circle, Beatrice, NE 68310
Dave W. Nielsen, 7100 Raymond Road, Lincoln, NE 68517

Contingent upon your approval, the following individual is being reappointed to the Beginning Farmer Board:

Bradley D. Lubben, Ph.D., 20508 Maple Circle, Eagle, NE 68347

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

November 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 State Electrical Board:

David Hunter Jr., 63809 730 Road, Auburn, NE 68305

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

James S. Brummer, 1823 Imperial Road, 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

November 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 individuals are being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Brad Jacobs, 1404 Kendall Street, St. Paul, NE 68873
Thomas R. McCaslin, 1749 N. D Street, Broken Bow, NE 68822
Dennis Cloninger, 832 N Nebraska 7, York, NE 68467
Clint Jones, 46341 N. 400 Avenue, Genoa, NE 68640
Matthew O'Daniel, 2843 Dale Lane, Arlington, NE 68002

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 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 Environmental Trust Board:  

Jeff T. Kanger, 4316 S. 49th Street, Lincoln, NE 68516  

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

Sherry Vinton, 80687 Haney Lane, Whitman, NE 69366  

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 5, 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 Rural Health Advisory Commission:  

Sandra Torres, M.D., 2223 Dodge Street, Apt. 403, Omaha, NE 68102  
Michael Allen Christopher Green, M.D., CHI Health University Campus,  
2415 Cuming Street, Omaha, NE 68131  

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
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 Board of Educational Lands and Funds:

Glenn R. Wilson Jr., 3103 Brentwood Circle, 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

November 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 individuals are being reappointed to the State Highway Commission:

Jerome A. Fagerland, 501 North Madison, Atkinson, NE 68713
James W. Hawks, 3121 West Phillip, North Platte, NE 69101
Douglas Leafgreen, 1625 Aspen, 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

December 18, 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 Blind and Visually Impaired:

Kimberly Scherbarth, 3810 L Avenue, Kearney, NE 68847
Brent Heyen, 3001 R Street, Lincoln, NE 68503

Contingent upon your approval, the following individual is being reappointed to the Commission for the Blind and Visually Impaired:

Mark M. Bulger, 7520 S. 135 Street, Omaha, NE 68138

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

December 18, 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:

Jonathan Scherling, 5112 Mason Street, Omaha, NE 68106
Robert J. Feit, 2510 Norman Circle, Lincoln, NE 68512

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Candice Arteaga, 629 Oak Street, Greenwood, NE 68366

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

December 18, 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 Child Abuse Prevention Fund Board:

Jillian Chance, 3625 Old Dominion Road, 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

December 18, 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 Investment Council:

John M. Dinkel, 4800 N. Deer Run Drive, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

James D. Kuhn, 4511 E. Bismark, 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

December 18, 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 State Fair Board:

Beth Smith, 2310 Woodsdale Blvd., 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
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:

Rod Buethe, 20304 Westridge Road, 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 18, 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 Commission on Problem Gambling:

Claudia Louise Barthold, M.D., 200 S. 31st Avenue, #4709, Omaha, NE 68131

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

Mark R. Canada, 5301 Sky Loch Drive, Hastings, NE 68901
Cameron J. Arch, 7204 S. 160th Street, Omaha, NE 68136
Kelly J. Lambert, 239 Courtland Street, Trumbull, NE 68980

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

December 20, 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 Public Employees Retirement Board:

Allen Simpson, 2401 Ryons Street, Lincoln, NE 68502
Michael D. Jahnke, 4002 Sunset Drive, North Platte, NE 69101
Kelli M. Ackerman, 2557 Wilderness Ridge Circle, Lincoln, NE 68512

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 OPINIONS

Opinion 19-010

SUBJECT: Constitutionality of LB 110 – Adoption of the Medical Cannabis Act

REQUESTED BY: Senator Andrew La Grone
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
David A. Lopez, Deputy Solicitor General

INTRODUCTION

You have requested an opinion from this office regarding the constitutionality of LB 110, which would create the Medical Cannabis Act
Committee Amendment 1680 to LB 110 ("AM1680"), currently pending on General File, would authorize the cultivation, processing, wholesale distribution, and retail sale of cannabis (marijuana) and cannabis products for medical uses under Nebraska law. It would establish a regulatory framework to govern these activities and a wholly new government agency—the "Cannabis Enforcement Department"—to enforce this regulatory scheme through producer and patient registration, inspections, licensure, fee collection, and related rulemaking.

Your specific question asks whether the MCA, if enacted, would be preempted by the federal Controlled Substances Act ("CSA"), the money laundering statutes, the unlicensed money transmitter statute, or the Bank Secrecy Act. To the extent the latter three categories of statutes govern this question, it is primarily based on the underlying CSA provisions. See, e.g., 18 U.S.C. §§ 1956(c)(7)(B)(i), 1957 (money laundering); 18 U.S.C. § 1960(b)(1)(C) (unlicensed money transmitting); 31 U.S.C. § 5318; 31 C.F.R. § 1020.320 (Bank Secrecy Act regulation requiring financial institutions to file suspicious activity reports for transactions involving funds derived from federally illegal activities). The following analysis will thus focus on preemption under the CSA. As explained below, it is the opinion of this office that the MCA would be preempted.

**ANALYSIS**

I. The Controlled Substances Act

The CSA establishes a comprehensive federal scheme to regulate the market in controlled substances. This "closed regulatory system mak[es] it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA." Gonzales v. Raich, 545 U.S. 1, 13 (2005) (citing 21 U.S.C. §§ 841(a)(1), 844(a)).

To effectuate that "closed" system, the CSA "authorizes transactions within 'the legitimate distribution chain' and makes all others illegal." United States v. Moore, 423 U.S. 122, 141 (1975) (quoting H.R. Rep. No. 1444, supra, Pt. 1, at 3). Violators of the CSA are subject to criminal and civil penalties, and ongoing or anticipated violations may be enjoined. 21 U.S.C. §§ 841-863, 882(a).

The CSA categorizes all controlled substances into five schedules. Id. at § 812. The CSA's restrictions on the manufacture, distribution, and possession of a controlled substance depend upon the schedule in which the drug has been placed. Id. at §§ 821-829. The drugs are grouped together based on their accepted medical uses, the potential for abuse, and their psychological and physical effects on the body. Id. at §§ 811, 812. Each schedule is associated with a distinct set of controls regarding the manufacture, distribution, and use of the substances listed therein. Id. at §§ 821-830.
Since Congress enacted the CSA in 1970, marijuana and tetrahydrocannabinols have been classified as Schedule I controlled substances. See Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. No. 91-513, § 202, 84 Stat. 1249 (Schedule I(c)(10) and (17)); 21 U.S.C. § 812(c) (Schedule I(c)(10) and (17)).

A drug is listed in Schedule I if it has "a high potential for abuse," "no currently accepted medical use in treatment in the United States," and "a lack of accepted safety for use . . . under medical supervision." 21 U.S.C. § 812(b)(1)(A)-(C). By classifying marijuana as a Schedule I drug, Congress mandated that the manufacture, distribution, or possession of marijuana be a criminal offense, with the sole exception being use of the drug as part of a Food and Drug Administration preapproved research study. 21 U.S.C. §§ 823, 841(a)(1), 844(a); United States v. Oakland Cannabis Buyers' Coop., 532 U.S. 483, 489-490, 492 (2001).

In the CSA, Congress included findings and declarations regarding the effects of drug distribution and use on the public health and welfare and the effects of intrastate drug activity on interstate commerce. Congress found, for example, that "]t]he illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people." 21 U.S.C. § 801(2). Congress also found:

A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.

Id. at § 801(3). Congress further found that "]t]he illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people." 21 U.S.C. § 801(2). Congress also found:

The federal

Congress has not amended the CSA to remove marijuana from Schedule I, nor have considerable efforts to administratively reschedule marijuana been successful.1

II. LB 110—the Medical Cannabis Act

The MCA (under AM1680 to LB 110) would authorize the production, distribution, sale, and consumption of medical marijuana in Nebraska and establish an elaborate, state-run regulatory system to govern those activities. There is no material dispute that its text is intended to establish as comprehensive a regime as possible to place the state itself in the position of authorizing, licensing, inspecting, and monitoring these activities, and to collect fees from entities permitted by the state to produce, process, and dispense marijuana and marijuana products. Several of the MCA's provisions are worth specifically highlighting.

The MCA would permit certified patients and designated caregivers to apply to a newly-created "Cannabis Enforcement Department" for enrollment in a registry program, after which they would be permitted to purchase and consume marijuana and marijuana products. AM1680, §§ 8-10, 31. Non-Nebraska residents would be permitted to participate subject to certain conditions. §§ 17, 32. Patients would qualify for participation after a diagnosis of a "qualifying medical condition," which the MCA defines by enumerating seventeen specific health conditions. § 24.

The new Cannabis Enforcement Department would be charged with developing an application for patient enrollment in the registry program, § 34, registration of designated caregivers, § 35, permitting non-patient "caregivers" to possess marijuana and distribute it to patients, § 36, and for creating a written certification form to be used by participating health care practitioners. § 39(1). The new agency is also required to develop requirements for a medical necessity waiver to allow a patient to possess a greater quantity of cannabis than otherwise allowed, § 39(3), and to provide for classification and regulation of commercial producers based on size. § 39(4).

The MCA would require that "[a] producer of cannabis shall provide a reliable and ongoing supply of cannabis needed for the registry program." § 41(1) (emphasis added). It would direct the Cannabis Enforcement Department to register and regulate a limited number of producers and all qualifying processors for the production and processing of all cannabis within Nebraska. § 40. The Department would also be required to register a limited number of dispensaries for the dispensing and sale of all cannabis for medical use in the state. § 43. The MCA would direct the Nebraska State
Patrol to assist in executing the MCA by conducting criminal background checks of industry participants. § 47.

Additionally, the MCA would provide for the collection of fees by the Cannabis Enforcement Department, directing the new agency to collect an application fee of $25,000 for dispensaries, an application fee of up to $5,000 for producers or processors or, for producers or processors in the tier allowed to cultivate the largest number of plants, an application fee of not more than $25,000. § 61. The Department shall establish an annual fee for producers in the tier allowed to cultivate the largest number of plants of not more than $40,000, and an annual fee of not more than $5,000 for producers not in such tier. Id. Processors not licensed to perform solvent-based extractions on cannabis are subject to an annual fee of not more than $5,000, while processors permitted to perform additional solvent-based extractions are subject to an annual fee of not more than $40,000. Id. The Department shall establish an annual fee for dispensaries of not more than $25,000. Id. Laboratories are to be assessed an annual fee not to exceed $15,000. Id.

In sum, the MCA would, through its extensive licensure and regulatory scheme, place the state in the position of affirmatively facilitating the cultivation, processing, wholesale distribution, and retail sale of marijuana and marijuana products.

III. The U.S. Supreme Court's decision in Gonzales v. Raich establishes that state-level marijuana schemes like the Medical Cannabis Act are preempted by the CSA and therefore unconstitutional.

The Supremacy Clause of the United States Constitution provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Art. VI, cl. 2. As a consequence of this constitutional command, "a state statute is void to the extent it conflicts with a federal statute – if, for example, 'compliance with both federal and state regulations is a physical impossibility' . . . or where the law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'" Maryland v. Louisiana, 451 U.S. 725, 747 (1981) (citations omitted).

In 1996, California voters passed Proposition 215, known as the "Compassionate Use Act." Under this Act, "seriously ill" California residents were allowed access to marijuana for medical purposes. Gonzales v. Raich, 545 U.S. 1, 7 (2005). The Act exempted from criminal prosecution patients and their "primary caregivers" who possessed or cultivated marijuana for medicinal purposes with the recommendation or approval of a physician. Id. at 6. The Act required that the marijuana that was being grown by the patient or caregiver be used only for the patient's personal use.
The California scheme was thus a purely noncommercial, compassionate use-based regime.

After DEA agents raided the homes of two seriously ill Californians who were in full compliance with the California Act, those Californians brought suit, seeking injunctive and declaratory relief prohibiting the enforcement of the federal CSA to the extent it prevents them from possessing, obtaining, or manufacturing cannabis for their personal medical use. Id. at 7.

The case made its way to the Supreme Court, where the federal government argued that marijuana was a drug with "significant potential for abuse and dependence," and was a "fungible commodity that is regularly bought and sold in an interstate market." Reply Brief for Petitioners, Ashcroft v. Raich, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 2652615, at *1. "That market," the federal government explained, "like the market for numerous other drugs having a significant potential for abuse and dependence, is comprehensively regulated by the [CSA]." Id. (emphasis added). Because Congress explicitly found that marijuana has "no currently accepted medical use in treatment in the United States" and had categorized marijuana as a "Schedule I" drug, the CSA was enacted "[i]n order to eradicate the market for such drugs." Id. As such, the federal government argued, "the CSA makes it unlawful to manufacture, distribute, dispense, or possess any Schedule I drug for any purpose, medical or otherwise, except as part of a strictly controlled research project." Id. (emphasis in original).

Nor, argued the federal government, was it "relevant that respondents' conduct may be lawful under state law" because "[u]nder the Supremacy Clause, state law cannot insulate conduct from the exercise of Congress's enumerated powers." Id. "Here," argued the government, "regulation of intrastate activities is an essential part of Congress's regulation of the interstate drug market and Congress's goal of achieving a comprehensive and uniform system that guards against drug abuse and diversion and permits manufacturing and distribution for legitimate medical uses only under carefully prescribed safeguards in the CSA itself." Id.

The Supreme Court agreed, having "no difficulty concluding that Congress had a rational basis for believing that failure to regulate the intrastate manufacture and possession of marijuana would leave a gaping hole in the CSA." Raich, 545 U.S. at 22 (emphasis added).

"First," the Court said, "the fact that marijuana is used for personal medical purposes on the advice of a physician" is irrelevant, because "the CSA designates marijuana as contraband for any purpose." Id. at 27 (emphasis in original). "Moreover," said the Court, "the CSA is a comprehensive regulatory regime specifically designed to regulate which controlled substances can be utilized for medicinal purposes, and in what manner." Id. "Thus, even if respondents are correct that marijuana does have accepted medical uses . . . the CSA would still impose controls beyond what is required by California law" because "[t]he CSA requires manufacturers,
physicians, pharmacies, and other handlers of controlled substances to comply with statutory and regulatory provisions mandating registration with the DEA, compliance with specific production quotas, security controls to guard against diversion, recordkeeping and reporting obligations, and prescription requirements." Id. "Accordingly," the Court concluded, "the mere fact that marijuana – like virtually every other controlled substance regulated by the CSA – is used for medicinal purposes cannot possibly serve to distinguish it from the core activities regulated by the CSA." Id.

"One need not have a degree in economics to understand why . . . an exemption [from the CSA] for the vast quantity of marijuana (or other drugs) locally cultivated for personal use . . . [would] have a substantial impact on the interstate market for [marijuana]." Id. at 28. Thus, the policy judgment Congress made in the CSA "that an exemption for such a significant segment of the total market would undermine the orderly enforcement of the entire regulatory scheme is entitled to a strong presumption of validity." Id. Nor, said the Court, can "limiting the activity to marijuana possession and cultivation 'in accordance with state law' . . . serve to place [California's law] beyond congressional reach." Id. at 29.

The Court thus soundly rejected the notion that the marijuana production and use at issue "were not 'an essential part of a larger regulatory scheme' because they had been 'isolated by the State of California, and [are] policed by the State of California,' and thus remain 'entirely separated from the market.'" Id. at 30. "The notion that California law has surgically excised a discrete activity that is hermetically sealed off from the larger interstate marijuana market is a dubious proposition," concluded the Court, and one that Congress rationally rejected when it enacted the CSA. Id.

In the end, concluded the Court, if California wished to legalize the growing, possession, and use of marijuana, it would have to seek permission to do so "in the halls of Congress." Id. at 33.

It is the opinion of this office that the MCA would suffer from the same legal infirmities as the California scheme in Raich. Notwithstanding the fact that state-level marijuana legalization schemes have spread in the recent (and discretionary) unwillingness by the federal government to civilly enforce the CSA against states, that exercise of discretion simply does not change the federal law that remains on the books and which Congress has steadfastly maintained.

That is evident from the text of the various administrative memoranda that have been issued to guide the federal government's present posture of nonenforcement. In the most recent of these, issued in early 2018, even as the U.S. Attorney General directed federal prosecutors to follow well-established principles in determining which marijuana activities merited prosecution within their jurisdiction, he premised his guidance with a reaffirmation of the CSA's prohibition of the cultivation, distribution, and possession of marijuana. Memorandum from Jefferson B. Sessions,

Given Gonzales v. Raich, and given the text and legislative history of the CSA, there is no doubt that Congress intended the CSA to serve the purpose of making all manufacture, sale, and possession of regulated drugs illegal, except to the extent explicitly authorized by the CSA. Nothing about the federal government's relaxed view of its enforcement obligations under the CSA changes the fact that Congress intended the CSA to prohibit the type of legalization proposed by the MCA.

Indeed, in the briefing it filed with the Supreme Court in Gonzales v. Raich, the federal government confirmed that it shares this understanding of the intent and purpose of the CSA. Brief for the Petitioners, Ashcroft v. Raich, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 1799022, at *11 ("Congress has concluded that regulation of all intrastate drug activity 'is essential to the effective control' of interstate drug trafficking.") (emphasis added). Congress has taken no action in the decade-plus since to indicate a different intent and purpose. And, if "excepting drug activity for personal use or free distribution from the sweep of the CSA would discourage the consumption of lawful controlled substances and would undermine Congress's intent to regulate the drug market comprehensively to protect public health and safety" (Brief for the Petitioners, Ashcroft v. Raich, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 1799022, at *11), then the comprehensive commercial distribution scheme proposed by the MCA undoubtedly would do the same.

This is particularly so given the CSA's provision at 21 U.S.C. § 903 that a state law is preempted when a "positive conflict" exists such that a CSA provision and the state law in question "cannot consistently stand together." Such a positive conflict clearly exists between the CSA and the MCA.

CONCLUSION

In sum, we conclude that the MCA, by creating a state regulatory scheme that would affirmatively facilitate the cultivation, processing, wholesale distribution, and retail sale of federal contraband on an industrial scale, would frustrate and conflict with the purpose and intent of the CSA. Accordingly, we conclude that the MCA would be preempted by the CSA and would be, therefore, unconstitutional.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed)  David A. Lopez
Deputy Solicitor General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature
1 Notably, even the recent farm bill, legislation which legalized the commercial production of hemp (defined as cannabis or cannabis derivatives with a tetrahydrocannabinol concentration (“THC”) of 0.3 percent or less), stopped well short of removing marijuana from Schedule I. Agriculture Improvement Act of 2018, Pub. L. No. 115-334, §§ 10113, 12619 (2018). Likewise, continuing federal appropriations provisions which prohibit the U.S. Department of Justice from using funds to interfere with state medical marijuana laws in no way modify the CSA, much less remove marijuana from Schedule I. See, e.g., Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, § 538 (2018). Any argument that such provisions substantively change the underlying CSA marijuana prohibition misapprehends the state of the controlled substances laws, generally, and the function of appropriations riders, specifically.

Opinion 19-012

SUBJECT: Constitutionality of the Appointment of County Election Commissioners and their Chief Deputies

REQUESTED BY: Senator Matt Hansen
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 concerning the appointment of county election commissioners and their chief deputies. You note that Neb. Const. art. IX, § 4 states that "[t]he Legislature shall provide by law for the election of such county and township officers as may be necessary. . . ." Your two questions are as follows:

1. Whether the election commissioners provided for under Neb. Rev. Stat. §§ 32-207 and 32-211 are county officers under Nebraska Article IX, Section 4 of the Nebraska Constitution.

2. If election commissioners are county officers, whether the appointment of election commissioners and their deputies violates Article IX, Section 4 of the Nebraska Constitution.

You explain that you are "considering legislation that would make the offices of election commissioner and deputy election commissioner subject to popular vote rather than appointment by the Governor and county boards." Therefore, we will also discuss whether chief deputy election commissioners are county officers who must be elected pursuant to Neb. Const. art. IX, § 4.
ARTICLE IX, § 4 AND APPLICABLE STATUTES

Neb. Const. art. IX, § 4 provides: "The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; Provided, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties."

Turning to the statutes most relevant to your questions, Neb. Rev. Stat. § 32-207 (2016) provides that "[t]he office of election commissioner shall be created for each county having a population of more than one hundred thousand inhabitants. The election commissioner shall be appointed by the Governor and shall serve for a term of four years or until a successor has been appointed and qualified." Currently, Douglas, Lancaster, and Sarpy counties have election commissioners appointed by the Governor.

In those counties having a population of more than one hundred thousand inhabitants, the election commissioner must appoint a chief deputy election commissioner who is a member of a different political party than the election commissioner. Neb. Rev. Stat. § 32-209 (2016).

Neb. Rev. Stat. § 32-211 (2016) provides that the county board of each county with not less than twenty thousand nor more than one hundred thousand inhabitants "may" create the office of election commissioner and shall appoint that election commissioner. It is our understanding that, currently, four counties have election commissioners appointed by their county boards.

Section 32-211 further provides that, if an election commissioner is appointed by a county board, the board also has the option of appointing a chief deputy election commissioner of a different political party than the election commissioner.

Neb. Rev. Stat. § 32-218 (2016) provides that the county clerk will perform the duties assigned to the election commissioner, except in those counties which have an election commissioner pursuant to § 32-207 or § 32-211.

ANALYSIS

I. Whether Election Commissioners Are County Officers.

Your first question is whether election commissioners (and chief deputy election commissioners) are county officers. The Nebraska Supreme Court has discussed the indicia of public office on multiple occasions. Characteristics of a public office include the creation of the position by constitution or a statute, a definite or fixed term of office, a required oath of office and the ability to exercise an independence beyond that of employees.
"When a position based upon a provision of law carries with it continuing duties of public concern which involve some exercise of the sovereign power in their proper performance, the position may be said to be an office public in character." *Eason v. Majors*, 111 Neb. 288, 291, 196 N.W. 133, 134 (1923) (holding that a department head at the state normal school was a public officer). "[A] public officer is an incumbent of a public office, which is the right, duty and authority conferred by law, by which, for a given period, an individual is invested with some portion of the sovereign functions of government for the benefit of the public." *Home Savings & Loan Ass'n v. Carrico*, 123 Neb. 25, 30, 241 N.W. 763, 765 (1932) (holding that an attorney appointed to represent an indigent defendant was neither an officer nor an employee).

In *State ex rel. O'Connor v. Tusa*, 130 Neb. 528, 535, 265 N.W. 524, 528 (1936) ["Tusa"], the Nebraska Supreme Court noted the following definition of "office": "An office is a public station or employment, conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument, and duties." (quoting *United States v. Hartwell*, 73 U.S. 385, 393 (1867)). "It may be said that the almost universal rule is that, in order to indicate office, the duties must partake in some degree of the sovereign powers of the state." *Tusa* at 535, 265 N.W. at 528. After examining the statutory duties of a county manager, the Court determined that a county manager was a county officer. As we will discuss in greater detail in our response to your second question, the Court held that, because the county managers under those statutes were appointed to office, rather than elected, the statutes violated Neb. Const. art. IX, § 4.

Applying this analysis to your inquiry, we find that county election commissioners and chief deputy election commissioners in Nebraska are county officers. The "office of election commissioner" for each county with more than one hundred thousand inhabitants is created by statute, Neb. Rev. Stat. § 32-207 (2016). The election commissioner is appointed by the Governor for a term of four years. *Id.* Counties with a population of not less than twenty thousand nor more than one hundred thousand may create the "office of election commissioner." Neb. Rev. Stat. § 32-211 (2016). The election commissioner is appointed by the county board for a term of four years. *Id.*


The chief deputy election commissioner in a county with more than one hundred thousand inhabitants is also a position created by statute and has
the same term of office as the election commissioner. Neb. Rev. Stat. § 32-209 (2016). The chief deputy election commissioner takes a required oath of office and furnishes a bond. Further, the chief deputy election commissioner performs duties assigned by the election commissioner and, in the absence of the election commissioner, the chief deputy "shall perform all the duties of the election commissioner. . . ." Id. In a county with a population of not less than twenty thousand nor more than one hundred thousand, the county board has the option of appointing a chief deputy election commissioner, who serves for a term of four years. Neb. Rev. Stat. § 32-211 (2016).

Our conclusion that the election commissioners and chief deputy election commissioners are county officers is consistent with our 1994 opinion concerning the status and authority of election commissioners under LB 76, a substantial revision of the election laws pending before the Legislature at that time. Op. Att'y Gen. No. 94008 (February 7, 1994). The questions we addressed were: (1) if the election commissioner was appointed by the Governor, to whom the election commissioner would be responsible; and (2) whether a county board would have authority to require the election commissioner to comply with county personnel policies and procedures. In addressing those questions we stated:

It appears to us that the election commissioner for counties over 50,000 in population created by LB 76 would be a county officer because the bill provides that the election commissioner is employed by the county, and because the position created by the bill entails many of the indicia of public office, e.g., the election commissioner is appointed for a specific term, the position is created by statute and the position has duties and authority beyond that of a mere employee. See Eason v. Majors, 111 Neb. 288, 196 N.W. 133 (1923).


There are two other cases which are consistent with our conclusion. The Nebraska Supreme Court stated that the election commissioner and deputy election commissioner of Douglas County were "public officers" of Douglas County in State ex rel. Meissner v. McHugh, 120 Neb. 356, 233 N.W. 1 (1930). This case did not concern article IX, § 4. Instead, the Court determined, in the context of a special proceeding to contest whether a nomination for the office of county attorney must be accepted, that a single justice of the Court sitting in Lancaster County lacked jurisdiction over public officers in another county.

In Dwyer v. Omaha-Douglas Public Bldg. Comm., 188 Neb. 30, 195 N.W.2d 236 (1972), the Court upheld the constitutionality of a statute authorizing certain cities and counties to establish a joint public building commission. The Court found that the Omaha-Douglas County Public Building Commission was a separate governmental subdivision and not an arm of the county. Therefore, the levy by the Commission was not a county
tax. The Court also briefly considered an argument that appointment of the Commission members violated article IX, § 4, and found that the Commission members were not county officers as the Commission was a separate governmental subdivision.

II. Whether Election Commissioners Must Be Elected.

Your second question is whether the appointment of election commissioners and chief deputy election commissioners violates Neb. Const. art. IX, § 4. This constitutional provision was incorporated into the Constitution in 1875. While text was added following the 1968 general election which authorized the consolidation of county offices, the original provision requiring the election of county officers remains unaltered.

Our current statutes which provide for the appointment of election commissioners and chief deputy election commissioners, as discussed above, are Neb. Rev. Stat. §§ 32-207, 32-209, and 32-211. Nebraska has had a statute requiring the Governor to appoint an election commissioner in a county of a certain population since 1913. Despite this long history, we are not aware of any Nebraska cases which directly address your questions. 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., 25 Neb. 918, 942, 663 N.W.2d 43, 67 (2003). "[A] statute is presumed to be constitutional, and all reasonable doubts are resolved in favor of its constitutionality." State v. McCumber, 295 Neb. 941, 948, 893 N.W.2d 411, 417 (2017). However, in this instance, it is our view that the statutes providing for the appointment of election commissioners and chief deputy election commissioners would, if challenged, be held unconstitutional by the Nebraska Supreme Court.

Our office previously discussed similar issues concerning article IX, § 4 in some detail in Op. Atty Gen. No. 96024 (March 14, 1996). That opinion addressed whether a constitutional amendment was necessary to alter Nebraska’s form of county governance and institute an optional county administrator system. In the opinion we began by discussing several canons of constitutional construction.

First, we are bound by the cardinal rule that the state Constitution must be applied and enforced as it is written. State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991). Next, the provisions of the Constitution must be read as a whole. Jaksha v. State, 222 Neb. 690, 385 N.W.2d 922 (1986). "Moreover, constitutional provisions are not open to construction as a matter of course; construction of a constitutional provision is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary." 238 Neb. at 774-775, 472 N.W.2d at 408-409.
Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." State ex rel. Stenberg v. Douglas Racing Corp., 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994) (citations omitted). In so acting, however, the court has established that "[t]he people of the state, by adopting a Constitution, have put it beyond the power of the [L]egislature to pass laws in violation thereof." State ex rel. Randall v. Hall, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933).


With regard to article IX, § 4, we noted that the Nebraska Supreme Court "has long held that, pursuant to the Article IX, § 4 provision, '[t]he number and character of county offices that may be created rests in the discretion of the [L]egislature." Dinsmore v. State, 61 Neb. 418, 429, 85 N.W. 445, 448 (1901). Op. Att'y Gen. No. 96024 at 4. However, we concluded that "[w]hile the Legislature is vested with broad authority to determine which county offices will exist, once those offices have been established, the people have retained the right to elect the individuals who will occupy those offices." Op. Att'y Gen. No. 96024 at 6.

Our analysis in that opinion relied extensively on State ex rel. O'Connor v. Tuska, 130 Neb. 528, 265 N.W.524 (1936), which we discussed in answer to your first question. In Tuska, Douglas County voters had exercised their statutory option to adopt a county manager form of government. When an individual attempted to file as a candidate for the office of county register of deeds, a controversy arose whether the office of register of deeds had been abolished by adoption of the county manager form of government. In deciding that issue, the Nebraska Supreme Court held that a county manager was a county officer as that term is used in article IX, § 4 and that a Nebraska statute authorizing the appointment of a county manager was unconstitutional.

Moreover, in that opinion we noted that the Court's Tuska decision was consistent with the ruling in an earlier case. In State ex rel. Harte v. Moorhead, 99 Neb. 527, 156 N.W. 1067 (1916), the Court concluded a districting plan was unconstitutional. Citing the predecessor of article IX, § 4, the Court reasoned that county governments are local in their nature and that the Constitution protects them in their right of local self-government. "The Constitution makers had something definite in mind when they provided that county officers should be elected." Id. at 534, 156 N.W. at 1069. For these reasons, we concluded the language of article IX, § 4 would need to be amended before adopting a county administrator system in which county officers would be appointed. Op. Att'y Gen. No. 96024 at 6.
Our office also considered whether county officers may be appointed in 1977-78 Rep. Att'y Gen. 20 (Opinion No. 13, dated February 1, 1977), in which we pointed out that a "potential problem" could be raised by article IX, § 4 if, under pending legislation, county officers were appointed rather than elected. And, in Op. Att'y Gen. No. 88014 (February 25, 1988), we concluded that the appointment of county superintendents, under proposed legislation, would violate article IX, § 4. In the latter opinion, we considered that the county superintendent was referred to as an "office" and that individuals appointed to that position would exercise sovereign functions of government. "Under our system of government, the people of our state cannot be denied the opportunity to elect county officers." *Id.* at 2.

Finally, our conclusion is supported by decisions of other jurisdictions and authorities. *See State ex rel. Johnston v. Melton*, 192 Wash. 379, 73 P.2d 1334 (1937) (holding that a state constitutional provision requiring the election of county officers was mandatory); *State ex rel. Armstrong v. Halliday*, 61 Ohio St. 171, 55 N.E. 175 (1899) (holding that a state constitutional provision required county officers to be elected so that a county fish and game warden could not be appointed); 3 Eugene McQuillin, *The Law of Municipal Corporations* § 12:117 (3d ed.) ("The constitutional method for filling offices must be observed. Neither the legislature of the state, nor that of the municipality, can change such method."

**CONCLUSION**

For the reasons discussed above, it is our opinion that the positions of election commissioner and chief deputy election commissioner created by Nebraska statutes are county officers. The Nebraska Supreme Court has not yet addressed the specific question whether the appointment of election commissioners by either the Governor or a county board violates Neb. Const. art. IX, § 4. However, in our view, the Nebraska statutes requiring or authorizing the appointment of an election commissioner or a chief deputy election commissioner are constitutionally suspect and would, if challenged, be found unconstitutional by the Court.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-633-29
SUBJECT: Constitutionality of Legislation Reducing the Percentage of Actual Value of Real Property Subject to Taxation by K-12 Public Education Entities.

REQUESTED BY: Senator Mike Groene Nebraska State Legislature

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

INTRODUCTION

You are considering legislation that would reduce the percentage of actual value of real property subject to taxation by Nebraska K-12 public education entities. In two prior opinions, we concluded it would be constitutional to reduce the percentage of valuation 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, Cum. Supp. 2018, and Supp. 2019); Op. Atty Gen. No. 15-002 (Feb. 17, 2015); Op. Atty Gen. No. 19-007 (May 6, 2019). You are now contemplating introducing legislation to provide a percentage reduction in the valuation of real property subject to taxation by K-12 public education entities. The reduction would apply to commercial and residential real property as well as agricultural and horticultural real property. One option would be to apply a ten percent reduction to all real property. A second option would be to apply a different percentage reduction to commercial and residential real property (i.e. ten percent) than is applied to agricultural and horticultural real property (i.e. twenty percent). The percentage applied would mirror the percentage reduction utilized in the TEEOSA formula. Your question is whether the proposed reduction to the percentage of actual value of real property subject to taxation by K-12 public education entities would violate the requirement that "[t]axes shall be levied by valuation uniformly and proportionately upon all real property . . ." in Neb. Const. art. VIII, § 1.

ANALYSIS


Neb. Const. art. VIII, § 1(1) provides: "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; . . ." Subsection (4) of art. VIII, § 1, provides:

[T]he 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 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 land and horticultural land; . . . Neb. Const. art. VIII, § 1(4). 2

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 standard the Legislature has adopted to value real property for taxation is "actual value." Neb. Rev. Stat. § 77-201(1) (2018) (Except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, "all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value."). Agricultural land and horticultural land, as well as agricultural land and horticultural land qualifying for special valuation, is "subject to taxation, and shall be valued at seventy-five percent" of its actual or special value. Neb. Rev. Stat. § 77-202(2) and (3) (2018). "Actual value" is defined in Neb. Rev. Stat. § 77-112 (2018), which provides:

Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade. Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach. Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. In analyzing the uses and restrictions applicable to real property, the analysis shall include a consideration of the full description of the physical characteristics of the real property and an identification of the property rights being valued.

II. Nebraska Case Law Discussing the Constitutional Requirement of Uniform and Proportionate Taxation.

"The object of Nebraska's uniformity clause is accomplished if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value." Sarpy County Farm Bureau v. Learning Community of Douglas and Sarpy Counties, 283 Neb. 212, 246, 808 N.W.2d 598, 622 (2012) ["Sarpy County Farm Bureau"]. "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) (citing Neb. Rev. Stat. §§ 77-201 and 77-112). "There is no longer a constitutional requirement for the value of agricultural and horticultural land to be uniform and proportionate with the value of other real property." Krings v. Garfield Cty. Bd. of Equal., 286 Neb. 352, 362, 835 N.W.2d 750,
The Constitution, however, "still requires uniformity within" the class of agricultural and horticultural land. \textit{Id.} at 361, 835 N.W.2d at 756.

**III. Validity of "Fractional" Valuation of Property for Taxation Under the Uniformity Clause.**

The uniform standard of value adopted by the Legislature for property taxation is "actual value." "For purposes of taxation, the terms actual value, market value, and fair market value mean the same thing." \textit{Richards v. Thayer Cty. Bd. of Equal.}, 178 Neb. 537, 540, 134 N.W.2d 56, 58 (1965). \textit{Accord Xerox Corp. v. Karnes}, 217 Neb. 728, 732-33, 350 N.W.2d 566, 569 (1984); \textit{Gage Cty. v. State Bd. of Equal.}, 185 Neb. 749, 751, 178 N.W.2d 759, 762 (1970). Currently, all real property, other than agricultural and horticultural land or agricultural and horticultural land subject to special valuation, is assessed at 100 percent of its actual value. Agricultural and horticultural land, including agricultural and horticultural land subject to special valuation, is assessed at 75 percent of its actual or special value.

Your proposal would reduce the actual value of all real property subject to assessment, non-agricultural as well as agricultural, by a percentage, solely for taxation by K-12 public education entities. The percentage may be the same, i.e., a ten percent reduction for all real property, or different, i.e., a ten percent reduction of the valuation of non-agricultural real property and a twenty percent reduction of the valuation of agricultural real property. In either scenario, the reduced assessed value would apply only to taxes levied by K-12 public education entities; property taxes imposed by all other taxing entities would be levied on the full actual value of non-agricultural real property, and 75 percent of the actual or special value of agricultural and horticultural land.

"There are two main types of real-property assessments for tax purposes: actual value assessments, under which real property is assessed at full value; and fractional or percentage assessments, under which real property is assessed at a fraction or percentage of full value. …" Annot., \textit{Requirement of Full-Value Real Property Taxation Assessments}, 42 A.L.R.4th 676, 682 (1985). "[U]niform fractional assessments have been held valid under state constitutional/statutory provisions for assessment of real property at its just value …, at a uniform value …, at uniform and proportionate valuations …, or … in proportion to its true value." \textit{Id.} at 683.

Article IX, § 1 of the Nebraska Constitution of 1875 provided, in part: "The Legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property and franchises the value to be ascertained in such manner as the Legislature shall direct." In \textit{Beadle v. Sanders}, 104 Neb. 427, 428, 177 N.W. 789, 789 (1920), the Nebraska Supreme Court noted that the "state assesses property at a fraction of its actual value." The Court cited the above constitutional provision, and the statute "mak[ing] the taxable value [of property] one-fifth of the actual or
market value." *Id.* at 428-29, 177 N.W. at 789-90 (citing Rev. Stat. § 6300 (1913)).

The Nebraska Constitution, as amended in 1920, provided in Article XIII, § 1, that "taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises . . . ." Following adoption of this amendment, the Legislature provided for the taxation of property at its "actual value." Comp. Stat. § 5820 (1922). This basis for taxation continued until 1953, when legislation was enacted providing for the valuation of property at its "actual value" and the assessment of property "at fifty percent of such actual value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1953). For a short time, the standard was changed to valuation of property at its "basic value," and assessment "at fifty percent of such basic value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1955). The Legislature then returned to providing for valuation of property at its "actual value," and assessment "at thirty-five percent of such actual value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1957). "Actual value" was later made the basis for both the valuation and assessment of property by the enactment of 1979 Neb. Laws LB 187, § 191 (codified at Neb. Rev. Stat. § 77-201 (Cum. Supp. 1980)).

The Nebraska Constitution currently requires that "[t]axes be levied by valuation uniformly and proportionately upon all real property. . . ." Neb. Const. art. VIII, § 1(1). There is no language expressing an intent to require taxation of real property at its "full" or "actual value." While the Legislature has used full "actual value" as the basis for taxation in the past, and does so presently for nonagricultural real property, it has also provided for assessment real property at a percentage of full actual value. And, it currently provides for the taxation of agricultural and horticultural land (including land subject to special valuation) at a percentage of full actual value. Thus, the Legislature may provide for the assessment of real property at a uniform fraction or percentage of its actual value.

While assessment at a uniform percentage of actual value is constitutionally permissible, your proposed legislation would provide only for assessment of real property by K-12 public education entities at a reduced percentage of value. All other taxing entities would assess real property at full actual value, in the case of non-agricultural real property, or at seventy-five percent of actual or special value, in the case of agricultural and horticultural land. For example, you indicate the assessed value of all real property could be reduced by 10 percent, or that the assessed value of non-agricultural real property could be reduced by 10 percent, and agricultural and horticultural land could be reduced by 20 percent.

"The object of the uniformity clause is satisfied if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value." Sarpy County Farm Bureau, 283 Neb. at 246, 808 N.W.2d at 622. The "taxing jurisdiction" or jurisdictions relevant to your proposed legislation are those included in the undefined term "K-12 public education entities." Presumably, the intent is to utilize the same reduced valuation
percentage throughout the relevant taxing jurisdiction or jurisdictions encompassed by this term. Under your first scenario, the assessed value providing the basis for taxation for K-12 education entities is reduced by a uniform percentage for all real property subject to assessment within the taxing jurisdiction. Under your second scenario, which applies a greater percentage reduction to agricultural and horticultural land than other real property, the reduced percentages again are uniform within the taxing jurisdiction. While the percentage reduction of actual value for agricultural and horticultural land is greater than that applied to other real property, that is permissible, as agricultural and horticultural land is a separate class of real property that is not required to be valued uniformly in relation to non-agricultural real property; only uniformity within the class of agricultural and horticultural land is required. Accordingly, the reduced valuations you propose, if applied uniformly, do not appear to contravene art. VIII, § 1.

The remaining question is whether it is permissible to establish an assessed level of value for taxation by K-12 public education entities that is different than the level of assessed value for all other taxing entities. While we have not found any Nebraska case law on point, the Supreme Court of Texas has considered whether a statute providing for assessment of property at a greater percentage of value in one subdivision than the level of value subject to assessment by other taxing subdivisions violated the Texas Constitution's uniformity clause and the Equal Protection Clause of the U.S. Constitution. *Smith v. Davis*, 426 S.W.2d 827 (Tex. 1968) ["Smith"]. The challenged statute allowed hospital district tax assessments to be made "at a greater percentage of fair cash market value than that used in assessing the property for state and county purposes." *Id.* at 830. Art. VIII, § 1, of the Texas Constitution provided that "taxes shall be equal and uniform, and all property * * * shall be taxed in proportion to its value, which shall be ascertained as may be provided by law." *Smith*, 426 S.W.2d at 833. While noting that the state and federal constitutions "do require that taxation be uniform, equal, and in proportion to the value of the property being taxed . . .," the court found the assessments were "uniform and equal," as "there is no constitutional requirement that different taxing bodies use the same proportion of fair market value in assessing property for tax purposes." *Id.* at 834.

While assessment at disparate levels of value by different taxing entities is permissible provided they are uniform within the taxing jurisdiction, a question could arise as to whether the creation of two classes of taxing entities results in impermissible special legislation in violation of Neb. Const. art. III, § 18. A legislative act violates the prohibition against special legislation if it "create[s] a totally arbitrary and unreasonable method of classification. . . ." *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
"A legislative body's distinctive treatment of a class is proper if the class has some reasonable distinction from other subjects of a like general character." *Big John's Billiards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014). "[T]hat distinction must bear some reasonable relation to the legitimate objective and purposes of the legislative act." *Id.*

In At't'y Gen. Op. No. 15-002, we concluded that legislation that would reduce the value of agricultural and horticultural land, including land subject to special valuation, but not other real property, for purposes of calculating state aid to schools, did not create an improper classification in violation of the special legislation clause. *Id.* at 5. You indicate the proposed reduction in assessed values for taxation by K-12 public education entities would correspond with reductions in the valuation of real property for purposes of computing available resources under TEEOSA. The stated purpose is "to assure that the amount of reduction of property valuations within the TEEOSA formula will translate into actual property taxes paid by a property owner. . . ." Given this connection and purpose, we cannot say the classifications created are improper and contrary to art. III, § 18.

**CONCLUSION**

The uniformity clause requires that all real property within a taxing jurisdiction be assessed and taxed at a uniform standard of value. While art. VIII, § 1, requires uniform and proportionate taxation, it does not mandate taxation at full actual value. While the Legislature has used full "actual value" as the basis for taxation in the past, and does so presently for nonagricultural real property, it has also provided for the assessment of real property at a percentage of full actual value. And, it currently provides for valuing and taxing agricultural and horticultural land (including land subject to special valuation) at a percentage of full actual value. Thus, the Legislature may provide for the assessment of real property at a uniform fraction or percentage of its actual value. While there is no Nebraska case law addressing whether it is permissible to establish disparate levels of value subject to assessment by different taxing entities, there is authority indicating that uniformity does not require that different taxing entities use the same proportion of value in assessing property for tax purposes. What is required is uniformity in the percentage of taxable value within each taxing jurisdiction. The reduced valuations of real property for taxation by K-12 public education entities you propose, applied uniformly, do not appear to contravene art. VIII, § 1. Further, the classifications created by the different levels of assessed value proposed do not appear to violate the prohibition against special legislation in Neb. Const. art. III, 18.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed)  L. Jay Bartel
Assistant Attorney General
Chief, Legal Services Bureau
Prior to 1992, art. VIII, § 1, required uniform taxation of "all tangible property and franchises." A constitutional amendment approved by the voters in 1992 replaced this requirement with the current language requiring taxes to be "levied by valuation uniformly and proportionately upon all real property and franchises. . . ." Neb. Const. art. VIII, § 1(1), as amended by 1992 Neb. Laws, LR 219 CA, § 1.

The Legislature also is authorized to "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." Neb. Const. art. VIII, § 1(5). Pursuant to this so-called "Greenbelt amendment," the Legislature has exercised this power by providing for the special valuation of certain lands used for agricultural or horticultural purposes. Neb. Rev. Stat. §§ 77-1344 to 77-1347.01 (2018).

Article VIII, § 1, states this section applies "[n]otwithstanding" other provisions of the Constitution, including Article III, § 18. The effect of this language has not yet been subject to judicial interpretation. Nevertheless, we will consider the application of the special legislation clause to the proposed classifications.

Opinion 19-014

SUBJECT: Constitutionality of Legislation Distributing Future Tax Equity and Educational Opportunities Support Act State Aid Funding Adjustments Proportionately Across All School Districts

REQUESTED BY: Senator Mike Groene
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 constitutionality of proposed legislation which would amend the Tax Equity and Educational Opportunities Support Act, Neb. Rev. Stat. §§ 79-1001 to 79-1033 (2014, Cum. Supp. 2018, Supp. 2019) ("TEEOSA"). You indicate in your request letter that when the Legislature believes it necessary to annually adjust the TEEOSA formula, individual formula variables are "tweaked."1 You indicate that this process adjusts the formula to generate the total amount of state aid the Legislature will fund.
PROPOSED LEGISLATION

As we understand it, your proposed legislation would amend the TEEOSA formula to provide for "distributions of any future TEEOSA state aid funding adjustments made by the Legislature proportionally across all school districts." The legislation "would alter the TEEOSA formula to increase the amount of state aid to all school districts," resulting in "property tax relief through a lowered local property tax request." One key component of your proposed legislation is "provid[ing] equitable state funding to all school districts, with the greater of a per student foundation aid or 33.3% of a school district's formula needs." You indicate that specific provisions may be added to TEEOSA to address how the formula works in the event of a legislative adjustment, i.e., the formula will be left intact, while the total amount of the adjustment is divided proportionally across the school districts. By way of example, you indicate that the preliminary calculation of state aid is $1.5 billion. However, the Legislature determines that $1.425 billion is "adequate to fund the free instruction in Nebraska's common schools . . . ." A new statute would be added to TEEOSA to divide the difference—$75 million [or 5 percent of $1.5 billion]—proportionally across all districts by reducing each district's preliminarily calculated state aid by 5 percent. In addition, to ensure that funding is adequate, a new section would be added to allow local school boards, by a supermajority vote, an annual budget exception to their statutory levy and revenue limits to recoup up to 75 percent of any reductions in their state aid due to legislative action.

You have asked for our opinion as to the following questions:

I. Do these proposed provisions added to Nebraska's public school funding formula . . . adhere to "[t]he Legislature shall provide for the free instruction in our common schools" provision of Neb. Const. art. VII, § 1?

II. Furthermore, do the proposed provisions comply with the equal protection clauses under Neb. Const. art. I, § 3 and U.S. Const. Amend. XIV, § 1?

Our response to each of your inquiries is set out below.

DISCUSSION

I. Free Instruction Clause

Restated, your proposal would reduce every school district's state aid funding by an amount equal to the percentage of any legislative adjustment to the preliminary calculated amount of state aid funding. A school district will be able to recover 75% of the reduction by a supermajority vote of its governing body. While you have not expressly articulated in what manner
your proposed legislation might contravene the free instruction clause, it appears to us your concerns relate to the adequacy of the funding in those instances when the Legislature adjusts the preliminary calculated amount of state aid.

The free instruction clause 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.


Beginning with Affholder v. State, 51 Neb. 91, 70 N.W. 544 (1897), the Nebraska Supreme Court has on several occasions considered the subject of "free instruction" in Nebraska's common schools. In Affholder, the plaintiffs sued the local school board to require the school district to furnish textbooks to the children attending the school in accordance with an 1891 act. The school board argued that the act in question violated the "same subject" rule in Neb. Const. art. III, § 11 [now art. III, § 14], since the title of the act referenced "textbooks," but another section of the act required the provision of all "school supplies." Id. at 92, 70 N.W. at 545. The court considered whether school supplies were encompassed by the term "textbooks" in the context of the free instruction clause and concluded that

[s]ection 6, art. 8, [now art. VII, § 1] of the constitution of Nebraska provides that "the legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years." What methods and what means should be adopted in order to furnish free instruction to the children of the state has been left by the constitution to the legislature. Prior to the passage of the act under consideration, instruction in all public schools was gratuitous, and by this act the legislature has seen fit to require the various school districts to purchase text-books necessary to be used in the schools. We do not think the term "text-books" should be given a technical meaning, but that it is comprehensive enough to and does include globes, maps, charts, pens, ink, paper, etc., and all other apparatus and appliances which are proper to be used in the schools in instructing the youth . . . .

Id. at 93, 70 N.W. at 545 (emphasis added).

In State ex rel. Shineman v. Board of Education, 152 Neb. 644, 42 N.W.2d 168 (1950), parents sued the local board of education to compel the board to establish a kindergarten for children who attained the age of five years of age, but not six years, before October 15. The parents argued that under the constitutional provision, their children were entitled to free public instruction. Because their children did not meet the statutory age limit for first grade, their children were prohibited from securing free instruction there. Accordingly, they contended the board of education was required to
establish a kindergarten so that their five-year old children could receive the free instruction. Id. at 647, 42 N.W.2d at 170.

The trial court disagreed, however, and the Nebraska Supreme Court affirmed. The court reiterated the holding in Affholder "that the method and means to be adopted in order to furnish free instruction to the children of the state have been left by the Constitution to the Legislature." Id. at 648, 42 N.W.2d at 170. Notwithstanding explicit language in the clause requiring free instruction for persons ages five to twenty-one, the court found that "[e]arly legislation is necessary to carry into effect the constitutional provision. It is not a self-executing provision." Id. In the absence of a statute implementing the right, the matter of creating a kindergarten program was left to the discretion of the board of education. Id. at 649, 42 N.W.2d at 171.

In Nebraska Coalition for Educational Equity and Adequacy v. Heineman, 273 Neb. 531, 731 N.W.2d 164 (2007) ["Nebraska Coalition"], the plaintiffs filed a declaratory judgment action claiming that Nebraska's education funding system failed to "provide sufficient funds for an 'adequate' and 'quality' education." Id. at 534, 731 N.W.2d at 169. The plaintiffs further alleged that the funding system violated the free instruction and the religious freedom clauses of the Nebraska Constitution. The plaintiffs sought three declarations from the court, including "that the religious freedom and free instruction clauses provide[d] a fundamental right 'to obtain free instruction which enables each student to become an active and productive citizen in our democracy, to find meaningful employment, and to qualify for higher education.'" Id. at 536-37, 731 N.W.2d at 170. The plaintiffs also asked the court to declare the school funding system unconstitutional for "fail[ing] to provide adequate resources to provide the free education guaranteed by these sections . . . ." Id. at 537, 731 N.W.2d at 170. The trial court dismissed the complaint, determining that the plaintiffs' allegations that the Legislature had not provided sufficient funds to provide for an adequate education posed a nonjusticiable political question. Id. at 538, 731 N.W.2d at 171.

The Nebraska Supreme Court framed the critical issue in Nebraska Coalition as whether it may determine that the Legislature has failed to provide adequate funding for public education without violating the separation of powers clause. Id. at 541, 731 N.W.2d at 173. The court acknowledged that it "does not sit as a superlegislature to review the wisdom of legislative acts[.]" Id. at 545-46, 731 N.W.2d at 176, and "[t]hat restraint reflects the reluctance of the judiciary to set policy in areas constitutionally reserved to the Legislature's plenary power." Id.

In its analysis, the court applied the criteria set out in Baker v. Carr, 369 U.S. 186 (1962), to determine whether the issue presented a nonjusticiable political question. The court indicated that it had already determined that the free instruction clause was clearly directed to the Legislature, and "that the duty to adopt the method and means to furnish free instruction has been left by the state Constitution to the Legislature." Id. at 549, 731 N.W.2d at 178.
The court found that "there are no qualitative, constitutional standards for public schools that this court could enforce, apart from the requirements that the education in public schools must be free and available to all children." *Id.* at 550, 731 N.W.2d at 179. In this regard, the court examined the state's constitutional history relating to the Legislature's duty to provide free public schools, and "interpret[ed] the paucity of standards in the free instruction clause as the framer's intent to commit the determination of adequate school funding solely to the Legislature's discretion, greater resources, and expertise," *Id.* at 552, 731 N.W.2d at 180. It held that "[a]ny judicial standard effectively imposing constitutional requirements for education would be subjective and unreviewable policymaking by this court." *Id.* at 553, 731 N.W.2d at 180-81. The court noted that under Neb. Const. art. III, § 25, fiscal policy decisions are left to the Legislature. "We could not hold that the Legislature's expenditures were inadequate without invading the legislative branch's exclusive realm of authority. In effect, we would be deciding what spending issues have priority." *Id.* at 554, 731 N.W.2d at 181. The court further observed that "a justiciable issue must be susceptible to immediate resolution and capable of present judicial enforcement." *Id.* at 555, 731 N.W.2d at 182. The court listed jurisdictions (i.e., Arkansas, Kansas, Texas, New Jersey), which had been mired in school funding litigation, and noted that "[t]he landscape is littered with courts that have been bogged down in the legal quicksand of continuous litigation and challenges to their states' school funding systems." *Id.* at 557, 731 N.W.2d at 183. The court, however, assertively "refuse[d] to wade into that Stygian swamp." *Id.*

In concluding that the issue before it presented a nonjusticiable political question, the court stated:

The Nebraska Constitution commits the issue of providing free instruction to the Legislature and fails to provide judicially discernible and manageable standards for determining what level of public education the Legislature must provide. This court could not make that determination without deciding matters of educational policy in disregard of the policy and fiscal choices that the Legislature has already made. . . .

*Id.* at 557, 731 N.W.2d at 183.

*Affholder, Shineman* and *Nebraska Coalition* all stand for the proposition that the Legislature is the sole judge of what amount of money should be spent on education. Consequently, your proposed legislation, which would reduce all school districts' state aid in an amount equal to a percentage of the legislative adjustment to the preliminary calculated state aid funding, does not contravene the constitutional provision discussed above. We would stress, however, that any future amendments to TEOOSA be consistent with other provisions in the act that require the Legislature to fund state aid as calculated under the formula.
II. Equal Protection Clause

Your second question asks us to consider your proposed legislation in the context of the equal protection provisions of both the Nebraska and United States Constitutions. Neb. Const. art. I, § 3 states that "[n]o person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws." The U.S. Const. Amend XIV, § 1, provides, as pertinent, "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."


In Citizens of Decatur, a coalition of parents and taxpayers sued the surviving school district and members of the school board seeking an injunction to stop the district from moving grades four to six to the surviving district. To support its claim that the school board's action violated the equal protection and substantive due process rights of its members, "the Coalition argued that Nebraska's free instruction clause provided a fundamental right to an education equally or proportionally funded compared with other schools in the same district." Id. at 285, 739 N.W.2d at 751. The trial court ultimately found for the school district on all claims.

"If a legislative classification involves either a suspect class or a fundamental right, courts will analyze the classification with strict scrutiny. A suspect class is one that has been '"saddled with such disabilities, or subjected to such a history of purposeful unequal treatment . . . as to command extraordinary protection from the majoritarian political process.'"" Id. at 303, 739 N.W.2d at 762. The coalition did not allege that the school district discriminated against a "suspect class" nor did it contest that the school board's actions were rationally related to a legitimate state interest. It relied instead on the argument that the Nebraska Constitution provides a fundamental right to equal and adequate educational funding. The court rejected this argument, noting its holding in Nebraska Coalition. "The free instruction clause does not mandate equal funding of schools." Id. at 301, 739 N.W.2d at 761. Funding decisions are left to the Legislature, which in turn entrusts local budget decisions to school boards.
Where a suspect class or fundamental right is not implicated, "the Equal Protection Clause requires only that the classification rationally further a legitimate state interest." Id. at 303, 739 N.W.2d at 763. "[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." Id. The court found that faced with increasing budget deficits, the school board's actions to reduce costs "were rationally related to its goal of providing an education for its students." Id. at 302, 739 N.W.2d at 762. It further found that the coalition failed to show that a heightened level of scrutiny applied or that the school board's actions were not rationally related to a legitimate state purpose.

You state that your proposed legislation "would alter the TEEOSA formula to increase the amount of state aid to all school districts and thereby provide property tax relief through a lowered local property tax request. One key component . . . would be to provide equitable state funding to all school districts . . ." It appears to us that the classification at issue, i.e., an across the board reduction in state aid funding, may further a legitimate state interest in lowering property taxes. We fail to see how the proposed legislation would result in an increase in state aid to school districts or would provide equitable funding to all districts. However, since the challenging party has the burden "to eliminate any reasonably conceivable state of facts that could provide a rational basis for the classification," we believe that a court would likely find your legislation, if enacted, constitutional since it rationally relates to your goal of providing property tax relief.6

Finally, as we recently pointed out in Op. Att'y Gen. No. 19-007 (May 6, 2019), to the extent the proposed legislation is constitutionally challenged by a county or school district, those entities have no due process or equal protection rights against the state. "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. 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 14th amendment against the State." Rock County v. Spire, 235 Neb. 434, 447-48, 455 N.W.2d 763, 771 (1990). "[T]he [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 Dept of Revenue, 252 Neb. 387, 394, 562 N.W.2d 551, 556 (1997).

CONCLUSION

For more than a century, the Nebraska Supreme Court has held that the Nebraska Constitution leaves all decisions regarding the funding of public education to the Legislature. The Constitution provides no judicially discernible and manageable standards to determine what level of public education the Legislature must provide. Based on the foregoing authorities,
we conclude that your proposed legislation would not contravene the free instruction clause or the equal protection provisions in the Nebraska and U.S. Constitutions.

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

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2318-29

1 In this regard, you reference 2019 Neb. Laws LB 675, § 1 (base limitation defined in Neb. Rev. Stat. § 77-3346 adjusted to two percent from two and one-half percent); and 2017 Neb. Laws LB 409 (adjustments made to both the base limitation and the local effort rate defined in Neb. Rev. Stat. §79-1015.01).

2 We understand that "student foundation aid" is in reference to language found in AM1572 to Legislative Bill 289, currently pending on General File.

3 See also State ex rel. Baldwin v. Dorsey, 108 Neb. 134, 187 N.W. 879 (1922) (The court held that a school district receiving nonresident students could charge no more that the tuition fee set by the Legislature, even when the school district offered courses beyond those required by the state.); and Farrell v. Sch. Dist. No. 54, 164 Neb. 853, 858, 84 N.W.2d 126, 131 (1957) ("[The free instruction clause] leaves all matters pertaining to schools and school districts, their creation, dissolution, government, and control with the Legislature. In all such matters the State is supreme.").

4 The Baker criteria consisted of "six independent tests," as follows:

[(1)] a textually demonstrable constitutional commitment of the issue to a coordinate political department; or [(2)] a lack of judicially discoverable and manageable standards for resolving it; or [(3)] the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or [(4)] the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or [(5)] an unusual need for unquestioning adherence to a political decision already made; or [(6)] the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Id. at 547-48, 731 N.W.2d at 177.
5 See, e.g., Neb. Rev. Stat. § 79-1008.01 (Supp. 2019) ("Each local system shall receive equalization aid in the amount that the total formula need, as determined pursuant to section 79-1007.11, exceeds its total formula resources, as determined pursuant to section 79-1017.01.").

6 We reach this conclusion solely on the basis of the proposed legislation set out in your request letter, and have not considered other TEEOSA legislation that may be pending in the Legislature.

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

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.
The members of the Rules Committee, plus Senators Bolz, Hilgers, DeBoer, Hughes, Wayne, and 3rd congressional district is open.

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.
The chair of the Agriculture Committee or his or her designee (Senator Brandt);
The chair of the Banking Committee or his or her designee (Senator Kolterman);
The chair of the Natural Resources Committee or his or her designee (Senator Bostelman); and
Four additional members: Senators Brewer, Lowe, McCollister, and Pansing Brooks.

LR104 - State-Licensed Care Facilities Oversight Committee of the Legislature.
Senators Friesen, Halloran, Linehan, Murman, Quick, Walz, Wishart.

LR223 - An interim study to appoint special committee to carry out a comprehensive study of incarceration and mental health services in Nebraska.
Members from each of the following committees:
Judiciary: Senators Lathrop and Pansing Brooks
Appropriations: Senators Bolz and Wishart
Health and Human Services: Senators Howard and Cavanaugh

ANNOUNCEMENT(S)

Priority designation(s) received:

Kolterman - LB720
AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB4:

AM1981

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
2 Sec. 4. The following section is outright repealed: Section
3 77-5015.01, Reissue Revised Statutes of Nebraska.
4 Sec. 5. Since an emergency exists, this act takes effect when
5 passed and approved according to law.
6 2. On page 1, line 4, strike "and" and insert "to eliminate
7 provisions relating to notice"; and in line 5 after "sections" insert ";
8 to outright repeal section 77-5015.01, Reissue Revised Statutes of
9 Nebraska; and to declare an emergency".
10 3. On page 4, line 6, after the period insert "Reimbursements under
11 this subsection shall be made from the Tax Equalization and Review
12 Commission Cash Fund.".

Senator Groene filed the following amendment to LB147:

AM1803

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 3 and 4 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 intervention, 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. (1) Teachers and other school personnel may use reasonable
21 physical intervention to safely manage the behavior of a student to:
22 (a) Protect such student, another student, a teacher or other school
23 personnel, or another person from physical injury, or
24 (b) Secure property in the possession of such student if the
25 possession of such property by such student poses a threat of physical
26 injury to such student, another student, a teacher or other school
27 personnel, or another person.
1 2 (2) Any physical intervention by a teacher or other school personnel
2 pursuant to subdivision (1)(a) or (b) of this section shall not be used
3 for the purpose of inflicting bodily pain as a penalty for disapproved
4 behavior.
5 (3) Following the use of physical intervention pursuant to this
6 section, a teacher or other school personnel shall contact and notify the
7 parent or guardian of the use of physical intervention.
8 (4) No teacher or other school personnel shall be subject to
9 professional or administrative discipline and no teacher, other school
10 personnel, or school district shall be criminally or civilly liable for
the use of physical intervention pursuant to subdivision (1)(a) or (b) of
this section if such physical intervention was reasonable. Nothing in
this section shall be construed to limit any defense that may be
available under any provision of law, including, but not limited to, any
defense relating to self-protection or the protection of others.
Sec. 4. (1) Each school district shall have a policy that describes
the process of removing a student from a class and returning a student to
a class. Such policy shall: (a) Describe how and when a student may be
removed from a class and returned to a class; (b) use a discipline
process that is proactive, instructive, and restorative; (c) require
appropriate communication between administrators, teachers or other
school personnel, students, and parents or guardians. Such policy shall
be made available to the public.
(2) Unless prohibited by the federal Individuals with Disabilities
Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
acts existed on January 1, 2019, an administrator or administrator's
designee shall immediately remove a student from a class upon request by
a teacher or other school personnel if such teacher or other school
personnel has followed school policy in requesting the removal of such
student.
(3) When a student is removed from a class, the goal must be to
return the student to the class as soon as possible after appropriate
instructional or behavioral interventions or supports have been
implemented to increase the likelihood the student will be successful.
For a student with a pattern of disruptive behavior, the school shall
provide additional interventions or supports.
(4) No teacher or other school personnel shall be subject to
professional or administrative discipline and no teacher, other school
personnel, or school district shall be criminally or civilly liable for
the removal of a student from a class pursuant to this section if such
teacher or other school personnel acted in a reasonable manner and in
accordance with school policy.
Sec. 5. Section 4 of this act becomes operative on August 1, 2020.
Sec. 6. Original sections 79-254 and 79-258, Reissue Revised
Statutes of Nebraska, are repealed.

Senator Kolterman filed the following amendment to LB30:
AM2050
(Amendments to Standing Committee amendments, AM302)
1. On page 11, line 10, strike "2020" and insert "2021".

MOTION - Election of Officer

Senator Hilgers moved that the following officer be elected to serve for the
One Hundred Sixth Legislature, Second Session:

Sergeant at Arms

Doug Donscheski

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

**LEGISLATIVE BILL 740.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to the State Treasurer; to repeal a section providing for certain transfers of funds on August 30, 2009; and to outright repeal section 84-621, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 741.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to labor; to repeal provisions governing the Subsidized Employment Pilot Program that terminated on July 1, 2018; and to outright repeal sections 48-3101, 48-3102, 48-3103, 48-3104, 48-3105, 48-3106, 48-3107, and 48-3108, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 742.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to offences against animals; to amend sections 28-1009, 28-1012.01, and 28-1019, Reissue Revised Statutes of Nebraska; to change penalty and sentencing provisions as prescribed; to change a deadline for filing a hearing application relating to seized animals; and to repeal the original sections.

**LEGISLATIVE BILL 743.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81‑2104, Revised Statutes Cumulative Supplement, 2018; to adopt updated electrical standards; and to repeal the original section.

**LEGISLATIVE BILL 744.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to county government; to amend section 23‑1901, Revised Statutes Cumulative Supplement, 2018; to authorize appointment of the county engineer in certain counties; to change powers and duties of the county engineer and county surveyor; to eliminate provisions related to election of the county engineer; to repeal the original section; and to outright repeal section 32‑526, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 745.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to government; to provide duties regarding federal immigration forms relating to victims of certain crimes; and to define terms.
LEGISLATIVE BILL 746. Introduced by Blood, 3.

A BILL FOR AN ACT relating to consumer protection; to adopt the Nebraska Consumer Data Privacy Act.

LEGISLATIVE BILL 747. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Reissue Revised Statutes of Nebraska; to include investment adviser representatives within the definition of microbusiness; and to repeal the original section.

LEGISLATIVE BILL 748. Introduced by Blood, 3.

A BILL FOR AN ACT relating to fertility treatment; to amend section 29-110, Revised Statutes Supplement, 2019; to adopt the Fertility Fraud Act; to provide for statutes of limitations; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2019; to adopt the Nebraska Anti-Terrorism Act; to prohibit poisoning as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Blood, 3.


LEGISLATIVE BILL 751. Introduced by Blood, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2019; to change provisions relating to compulsory attendance; and to repeal the original section.

LEGISLATIVE BILL 752. Introduced by Blood, 3.
A BILL FOR AN ACT relating to veterans and servicemembers; to amend sections 38-201 and 71-601, Reissue Revised Statutes of Nebraska, sections 38-1201, 38-2201, 60-4,149.02, 84-946, and 84-948, Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and 48-203, Revised Statutes Supplement, 2019; to require a review of licensing requirements for certain health professions; to provide duties for, and require submission of reports by, the Board of Advanced Practice Registered Nurses, the Board of Emergency Medical Services, the Board of Medicine and Surgery, the Board of Nursing, and the veterans' program coordinator; to provide duties for the Department of Economic Development and Department of Labor; to provide a duty for the Department of Motor Vehicles relating to an exemption for drivers with military commercial motor vehicle experience; to require a report and the compilation of data concerning veteran suicides; to require a study and report regarding development and implementation of a veteran health care navigator program and a program to end veteran homelessness; to encourage state and local government service providers to inquire regarding military service status as prescribed and provide related duties for the Department of Veterans' Affairs and the Department of Health and Human Services; to require analyses, reports, and programs related to veterans; to change provisions relating to policy and a report under the Occupational Board Reform Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Blood, 3.

A BILL FOR AN ACT relating to audiology and speech-language pathology; to amend sections 38-513 and 38-515, Reissue Revised Statutes of Nebraska, and section 38-1509, Revised Statutes Cumulative Supplement, 2018; to adopt the Audiology and Speech-Language Pathology Interstate Compact; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Blood, 3.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-604.01, Reissue Revised Statutes of Nebraska; to provide for amendment of a birth certificate; and to repeal the original section.


A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-10,121, 38-10,160, 71-202.01, and 71-224, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to the home services permit for certain cosmetology services and the nail technology home services permit; to provide for home barber services permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Blood, 3.
A BILL FOR AN ACT relating to age of majority; to amend section 43-2101, Revised Statutes Supplement, 2019; to authorize persons eighteen years of age or older to buy and sell stocks and bonds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 757.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to insurance; to amend sections 28-631 and 44-6604, Reissue Revised Statutes of Nebraska; to prohibit certain acts under the Nebraska Criminal Code and the Insurance Fraud Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 758.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the State Capitol; to amend sections 72-2201 and 72-2202, Reissue Revised Statutes of Nebraska; to restate intent; to name the courtyards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 759.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to children; to amend sections 43-284, 43-905, 43-1311, 43-1312, and 43-1312.01, Reissue Revised Statutes of Nebraska, and sections 43-285 and 79-215, Revised Statutes Supplement, 2019; to require consultation with school districts regarding placement of children; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 760.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,107, Revised Statutes Cumulative Supplement, 2018; to require certain insurers to provide coverage for certain services delivered through telehealth; and to repeal the original section.

**LEGISLATIVE BILL 761.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,156, Revised Statutes Cumulative Supplement, 2018; to change a fee; to create a fund; to provide for distribution of funds for the simulation in motion program of the University of Nebraska Medical Center; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 762.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Hall of Fame Trust Fund; to amend section 72-729.01, Reissue Revised Statutes of Nebraska; to provide for transfers of funds from the General Fund; to state intent regarding transfers
of funds; and to repeal the original section.

**LEGISLATIVE BILL 763.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to counties under township organization; to amend sections 23-259 and 23-1601, Reissue Revised Statutes of Nebraska; to change provisions relating to certain payments of funds to townships; and to repeal the original sections.

**LEGISLATIVE BILL 764.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to trust companies; to amend sections 8-224.01 and 30-3205, Reissue Revised Statutes of Nebraska; to provide exceptions from certain prohibited investments; to authorize investments in certain securities, shares, and interests; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 765.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Workers’ Compensation Act; to amend section 48-144.04, Reissue Revised Statutes of Nebraska; to eliminate a duty of the Attorney General with respect to prosecution of certain report violations; and to repeal the original section.

**LEGISLATIVE BILL 766.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-319 and 28-320.01, Reissue Revised Statutes of Nebraska, and sections 27-412, 28-318, and 29-110, Revised Statutes Supplement, 2019; to change provisions relating to sexual assault under the Nebraska Evidence Rules; to define a term; to prohibit sexual assault of a minor by an authority figure as prescribed; to change provisions relating to sexual assault of a child in the second or third degree; to change the statute of limitations for failure to make a report of child abuse or neglect; and to repeal the original sections.

**LEGISLATIVE BILL 767.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to real property; to amend sections 25-223, 76-842, 76-844, 76-854, 76-857, 76-859, 76-860, 76-867, 76-869, 76-870, 76-884, and 76-890, Reissue Revised Statutes of Nebraska, and section 76-861, Revised Statutes Supplement, 2019; to change provisions relating to actions on breach of warranty on improvements to real property; to change provisions under the Nebraska Condominium Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 768.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 38-129 and 75-362, Reissue Revised Statutes of Nebraska,
sections 4-111, 60-192, 60-484.04, 60-484.05, 60-4,138, 60-4,141, and 60-4,168, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 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, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to update federal references relating to cabin trailers, low-speed vehicles, access aisles, United States Department of Transportation numbers, handicapped or disabled parking permits, the International Registration Plan, operators' licenses and state identification cards, lawful status, financial transactions, the operation of commercial motor vehicles, hazardous materials, commercial learner's permits, occupant protection systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records, motor carrier regulations and enforcement, and the unified carrier registration plan and agreement; to change provisions relating to odometer readings and lifetime disqualifications from operating a commercial motor vehicle; to provide restrictions for a commercial learner's permit; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Gragert, 40; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-1504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to membership; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Gragert, 40; Brewer, 43.

A BILL FOR AN ACT relating to game and parks; to amend section 37-438, Reissue Revised Statutes of Nebraska; to change the fees for annual and temporary permits for nonresident motor vehicles; to provide for disabled veteran permits; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Gragert, 40.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Supplement, 2019; to change a license plate registration provision relating to the issuance of one license plate; and to repeal the original section.

LEGISLATIVE BILL 772. Introduced by Williams, 36.

A BILL FOR AN ACT relating to physician assistants; to amend sections 38-2008, 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, and 38-2056, Reissue Revised Statutes of Nebraska; to redefine terms; to restate intent; to change the membership of the Board of Medicine and Surgery and the Physician Assistant Committee; to eliminate requirements for delegation and control by supervising
physicians; to require collaboration with health care professionals; to provide, change, and eliminate authorized actions; and to repeal the original sections.

**LEGISLATIVE BILL 773.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Rural Workforce Housing Investment Fund.

**LEGISLATIVE BILL 774.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.09, Revised Statutes Cumulative Supplement, 2018; to change requirements regarding credit for reinsurance as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 775.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-2202, 76-2204, 76-2205.02, 76-2207.01, 76-2207.17, 76-2207.22, 76-2207.26, 76-2212.03, 76-2215, 76-2216, 76-2216.02, 76-2218.02, 76-2219.01, 76-2219.02, 76-2220, 76-2221, 76-2223, 76-2227, 76-2233, 76-2233.01, 76-2233.02, 76-2233.03, 76-2239, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-3207, and 76-3210, Reissue Revised Statutes of Nebraska, and sections 76-2207.27, 76-2207.30, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, and 76-3203.01, Revised Statutes Supplement, 2019; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2216.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 776.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Reissue Revised Statutes of Nebraska; to provide for the admission of expert testimony on eyewitness identification and memory as prescribed; to correct internal references; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 777.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2264, Revised Statutes Cumulative Supplement, 2018; to provide for set-asides of infractions and violations of city and village ordinances and county resolutions as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 778.** Introduced by Stinner, 48.
A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for the repayment of qualified educational debts owed by eligible health professionals under the Rural Health Systems and Professional Incentive Act.

LEGISLATIVE BILL 779. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services.

LEGISLATIVE BILL 780. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-332, Reissue Revised Statutes of Nebraska; to change provisions relating to expenditures for administrative costs for cultural preservation activities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 781. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to government; to amend sections 14-553, 15-317, and 23-1601, Reissue Revised Statutes of Nebraska, sections 17-605 and 17-606, Revised Statutes Cumulative Supplement, 2018, and sections 16-318 and 84-304, Revised Statutes Supplement, 2019; to provide an annual continuing education requirement for treasurers of certain local governments; to provide a duty for the Auditor of Public Accounts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to accountants; to amend section 1-116, Revised Statutes Cumulative Supplement, 2018; to eliminate obsolete provisions; to change provisions relating to the certified public accountant examination; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-405, Reissue Revised Statutes of Nebraska; to redefine ambulatory surgical center; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-192, Revised Statutes Cumulative Supplement, 2018; to change provisions regarding odometer statements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 785.Introduced by Friesen, 34.
A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,294 and 60-6,297, Revised Statutes Cumulative Supplement, 2018, and section 60-6,290, Revised Statutes Supplement, 2019; to change provisions relating to vehicle size, weight, and load; to provide for stinger-steered automobile transporters, towaway trailer transporter combinations, and emergency vehicles; to provide duties for the Department of Transportation; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-179, Reissue Revised Statutes of Nebraska, sections 83-170 and 83-1,135, Revised Statutes Cumulative Supplement, 2018, and section 83-173.03, Revised Statutes Supplement, 2019; to define terms; to change provisions relating to the use of restrictive housing; to require screening for serious mental illnesses, developmental disabilities, and traumatic brain injuries as prescribed; to require a report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-6408, Reissue Revised Statutes of Nebraska; to construe applicability relating to certain uninsured and underinsured motor vehicle insurance coverages; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by Slama, 1.

A BILL FOR AN ACT relating to labor; to amend section 48-2107, Revised Statutes Cumulative Supplement, 2018, and section 48-622.03, Revised Statutes Supplement, 2019; to change provisions relating to a report by the Department of Labor and a fee under the Contractor Registration Act; to eliminate provisions relating to service letters, overhead high voltage conductors, and private employment agencies; to repeal the original sections; to outright repeal sections 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505, 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515, 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 789. Introduced by Slama, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-601, Revised Statutes Supplement, 2019; to change provisions relating to school bus stop signal arm violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Slama, 1.
A BILL FOR AN ACT relating to state purchasing; to amend sections 73-507, 81-153, and 81-1118.06, Reissue Revised Statutes of Nebraska; to provide exceptions to certain bidding requirements and contract approval procedures; to provide and change powers and duties of the materiel division of the Department of Administrative Services; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Livestock Animal Welfare Act; to amend section 54-909, Reissue Revised Statutes of Nebraska; to change provisions relating to ownership, possession, or seizure of animals after conviction or violation of a court order under the act; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2018; to allow for the combination or aggregation of cocaine, base cocaine, heroin, or amphetamine or methamphetamine amounts for two or more controlled substances violations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Slama, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 68-1017, Reissue Revised Statutes of Nebraska, and section 29-110, Revised Statutes Supplement, 2019; to change penalty and statute of limitation provisions relating to public assistance violations; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to cities; to amend sections 14-403 and 15-902, Reissue Revised Statutes of Nebraska, and sections 19-901 and 19-902, Revised Statutes Supplement, 2019; to adopt the Missing Middle Housing Act; to provide zoning regulation requirements for certain cities; to provide a duty for the Revisor of Statutes; and to repeal the original sections.


A BILL FOR AN ACT relating to the Enterprise Zone Act; to amend section 13-2102, Reissue Revised Statutes of Nebraska; to change provisions relating to enterprise zones; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Hansen, M., 26.
A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-840, 15-841, 15-1201, and 15-1205, Reissue Revised Statutes of Nebraska; to change provisions relating to allowance, disallowance, and appeals of claims against a city; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3052, Revised Statutes Supplement, 2019; to change restrictions on annexation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the state lottery; to amend sections 9-823 and 84-712.05, Revised Statutes Supplement, 2019; to provide for the anonymity of winners of certain prizes; to change public records disclosure provisions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

public health and city planning purposes; to restate findings relating to offstreet parking; to change and eliminate certain provisions relating to street railways; to harmonize provisions; to repeal the original sections; and to outright repeal sections 15-730, 15-731, 15-732, and 15-733, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 800. 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 building codes; to amend section 71-6405, Reissue Revised Statutes of Nebraska, and section 71-6406, Revised Statutes Supplement, 2019; to provide for the applicability of the state building code and local building or construction codes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 801. 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 municipalities; to amend sections 18-2109, 18-2115, 18-2117.02, 18-2117.03, and 18-2142.05, Revised Statutes Cumulative Supplement, 2018, and sections 18-2101.02, 18-2103, and 18-2115.01, Revised Statutes Supplement, 2019; to change and eliminate provisions of the Community Development Law; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to water; to state a legislative finding and declaration relating to the right to use ground water; and to provide certain exemptions.

LEGISLATIVE BILL 803. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3740 and 49-1499.02, Reissue Revised Statutes of Nebraska, and sections 52-1308 and 60-6,298, Revised Statutes Cumulative Supplement, 2018; to adopt the Pulse Crop Resources Act; to redefine terms under the Dry Bean Resources Act, the Nebraska Political Accountability and Disclosure Act, and for purposes of a filing system for farm product security interests; to change provisions relating to a distance limitation exception for certain vehicle weight and length permits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 804. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to insurance; to require coverage for prescription epinephrine autoinjectors for persons eighteen years of age or
younger; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 805.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77‑2716, Revised Statutes Supplement, 2019; to provide an income tax deduction for certain wages paid to individuals convicted of a felony; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77‑2716, Revised Statutes Supplement, 2019; to exempt social security benefits and retirement benefits from taxation as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 807.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84‑304, Revised Statutes Supplement, 2019; to change a provision relating to government auditing standards as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 808.** Introduced by La Grone, 49; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Model Business Corporation Act; to amend section 21‑201, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide for the ratification of defective corporate actions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 809.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to plumbing codes; to amend section 18‑1915, Reissue Revised Statutes of Nebraska, and sections 18‑132 and 23‑172, Revised Statutes Cumulative Supplement, 2018; to provide for the applicability of the 2018 Uniform Plumbing Code in certain cities, villages, and counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 810.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77‑2704.24 and 77‑27,132, Reissue Revised Statutes of Nebraska, and section 71‑7611, Revised Statutes Supplement, 2019; to impose sales and use taxes on bottled water, candy, and soft drinks and provide for the use of the additional revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 811.** Introduced by McCollister, 20; Howard, 9;
A BILL FOR AN ACT relating to the Parkinson's Disease Registry Act; to amend section 81-6,103, Reissue Revised Statutes of Nebraska; to change reporting requirements for pharmacists as prescribed; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by McCollister, 20; Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5001, 77-5017, and 77-5023, Reissue Revised Statutes of Nebraska; to authorize the commission to order a reconsideration or rehearing as prescribed; to change provisions relating to acceptable ranges; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Bolz, 29; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for apprenticeships; and to provide powers and duties for the Department of Labor.

LEGISLATIVE BILL 814. Introduced by Geist, 25; Albrecht, 17; Arch, 14; Boselman, 23; Brandt, 32; Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hilgers, 21; Kolterman, 24; La Grone, 49; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2019; to define a term; to prohibit dismemberment abortion; to provide for a hearing, immunity from liability, causes of action, injunctions, damages, attorney's fees, a penalty, and anonymity; to state intent; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 815. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-992, Revised Statutes Supplement, 2019; to prohibit pursuit of, application for, or implementation of a federal waiver as prescribed; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by McCollister, 20.

69-2432, 71-904.01, and 71-963, Reissue Revised Statutes of Nebraska; to provide for dissemination of information regarding firearm safety and suicide prevention and require suicide prevention training; to require a certificate and provide for other requirements and restrictions on transfers of certain firearms as prescribed; to change provisions relating to issuance of a certificate and an appeal; to provide penalties; to name an act; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-2838, 38-2850, 38-3112, 71-2445, and 71-2473, Reissue Revised Statutes of Nebraska, sections 38-3101 and 38-3111, Revised Statutes Cumulative Supplement, 2018, and section 28-401, Revised Statutes Supplement, 2019; to adopt the Prescribing Psychologist Practice Act; to define and redefine terms; to provide for the use of certain terms; to change the membership of the Board of Psychology; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Brewer, 43; Bostelman, 23; Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6203, Revised Statutes Supplement, 2019; to adjust the nameplate capacity tax for inflation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Brewer, 43; La Grone, 49; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to change provisions relating to the taxation of benefits received under the federal Social Security Act; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to voter registration; to amend section 32-312, Revised Statutes Cumulative Supplement, 2018; to change requested information on the registration application; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-927, Revised Statutes Supplement, 2019; to change provisions relating to planning commission meetings; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Brewer, 43.
A BILL FOR AN ACT relating to recall elections; to amend section 32-1305, Reissue Revised Statutes of Nebraska, and section 32-1306, Revised Statutes Supplement, 2019; to change provisions regarding counting petition signatures and ordering and holding a recall election; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public power; to amend sections 15-229, 18-2441, 25-2503, 70-501, 70-667, and 70-670, Reissue Revised Statutes of Nebraska, section 25-2501, Revised Statutes Cumulative Supplement, 2018, and section 19-701, Revised Statutes Supplement, 2019; to require a special election prior to the use of eminent domain for transmission lines in certain circumstances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6403 and 71-6406, Revised Statutes Supplement, 2019; to remove redundant language; to correct a reference to the Department of Environment and Energy; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Hilkemann, 4; DeBoer, 10.

A BILL FOR AN ACT relating to infants; to amend section 71-519, Reissue Revised Statutes of Nebraska; to require screening of infants for spinal muscular atrophy; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to gambling; to amend section 9-1,101, Revised Statutes Supplement, 2019; to provide for and eliminate transfers from the Charitable Gaming Operations Fund; and to repeal the original section.

LEGISLATIVE BILL 827. 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 828. Introduced by Hilkemann, 4; Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska; to redefine terms; to provide requirements for use of injections and surgical procedures; to provide for applicability; and to repeal the original sections.
LEGISLATIVE BILL 829. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-335, Reissue Revised Statutes of Nebraska; to change provisions relating to certain payments in lieu of taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,190, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the establishment of state speed limits by local authorities; and to repeal the original section.

LEGISLATIVE BILL 831. Introduced by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-142.01, Reissue Revised Statutes of Nebraska, and section 60-144, Revised Statutes Supplement, 2019; to change provisions relating to a certificate of title for a junked vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 2019; to provide for immunity from criminal and civil liability for removal of a child from a motor vehicle by forcible entry as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-432, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3401, 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and section 81-3453, Revised Statutes Supplement, 2019; to define and redefine terms; to change and eliminate provisions related to the Board of Engineers and Architects, credentials issued under the act, and the practice of engineering; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Halloran, 33; Brandt, 32;
A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,288.01, Reissue Revised Statutes of Nebraska, and sections 81-2,244.01, 81-2,257, and 81-2,270, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to provide a priority item designation; to eliminate obsolete references; to change regulatory authority inspection reporting requirements; to repeal the original sections; and to outright repeal section 81-2,243.01, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 836. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 71-801 and 71-831, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to change provisions governing certain contracts and agreements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Arch, 14.

A BILL FOR AN ACT relating to child care; to amend sections 71-1912 and 71-1928.01, Revised Statutes Supplement, 2019; to change provisions relating to funding of a national criminal history record information check as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the practice of medicine; to amend section 38-2025, Revised Statutes Cumulative Supplement, 2018; to provide an exemption from licensure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 839. Introduced by Wishart, 27; Brewer, 43; Briese, 41; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Linehan, 39; McDonnell, 5; Morfeld, 46; Murman, 38; Pansing Brooks, 28; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to recognize American Sign Language as a distinct and separate language; and to authorize schools to offer courses in American Sign Language as prescribed.

LEGISLATIVE BILL 840. Introduced by Quick, 35; Crawford, 45; Hansen, M., 26; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5716, 71-5718, 71-5727, and 71-5735, Reissue Revised Statutes of Nebraska; to prohibit the use of electronic smoking devices as
prescribed; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Crawford, 45; Blood, 3; Walz, 15.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3506 and 77-3508, Revised Statutes Supplement, 2019; to change provisions relating to certain certifications; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Crawford, 45; Blood, 3; Walz, 15.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,185, Revised Statutes Cumulative Supplement, 2018; to change an exemption from motor vehicle taxes and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Cavanaugh, 6; Hansen, M., 26; 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, 60-3,130.04, and 60-495, Revised Statutes Supplement, 2019; to provide for Donate Life Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Clements, 2.

A BILL FOR AN ACT relating to construction liens; to amend section 52-146, Reissue Revised Statutes of Nebraska; to eliminate certain notice requirements; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Groene, 42.

A BILL FOR AN ACT relating to ground water management and protection; to amend section 46-715, Revised Statutes Cumulative Supplement, 2018; to change procedures relating to augmentation projects under an integrated management plan; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Arch, 14; Williams, 36.
A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2826, 38-28,107, 71-401, 71-2411, 71-2412, 71-2413, 71-2457, 71-2458, 71-2468, and 71-2479, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to dispensed drugs and devices and emergency box drugs; to provide requirements for assisted-living facilities, nursing facilities, and skilled nursing facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Pansing Brooks, 28; Brewer, 43; Linehan, 39; McCollister, 20; Scheer, 19; Vargas, 7.

A BILL FOR AN ACT relating to government; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska; to rename Columbus Day as Indigenous Peoples' Day; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Pansing Brooks, 28; Bolz, 29; Brewer, 43; Howard, 9; Scheer, 19; Walz, 15.

A BILL FOR AN ACT relating to children; to amend sections 43-4502, 43-4503, 43-4510, 43-4511, and 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to change provisions relating to eligibility for participating in certain programs under the Young Adult Bridge to Independence Act; to restate intent; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 850. Introduced by Pansing Brooks, 28; Bostelman, 23; Brewer, 43; Linehan, 39; Lowe, 37; Scheer, 19; Williams, 36.

A BILL FOR AN ACT relating to government; to authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at the Fort Donelson National Battlefield; to provide a duty for the Secretary of State; to create a committee; to provide for termination; and to declare an emergency.

LEGISLATIVE BILL 851. Introduced by McCollister, 20; Chambers, 11; Crawford, 45; Howard, 9; Hunt, 8; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-949, Reissue Revised Statutes of Nebraska, and section 68-915, Revised Statutes Supplement, 2019; to provide for eligibility for certain children; to require a waiver application related to eligibility for certain groups; to provide duties; to harmonize provisions; and to repeal the original sections.
BILL ON FIRST READING

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

LEGISLATIVE BILL 734A. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 279CA. Introduced by Scheer, 19.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 6:
III-6 The Legislature shall consist of not more than fifty-five members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.
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 an increase in the maximum number of members of the Legislature not to exceed fifty-five members. Any increase to the current number of forty-nine members will require an act of the Legislature as provided by law.
For
Against.

LEGISLATIVE RESOLUTION 280CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 12:
III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of three consecutive terms regardless of the district represented.
(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.
For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

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 limit on legislative terms from two consecutive terms to three consecutive terms.

For
Against.

LEGISLATIVE RESOLUTION 281CA. Introduced by McCollister, 20.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

(3) Notwithstanding the provisions of subsection (1) of this section and Article IV, section 13, of this Constitution, the Legislature may enact legislation authorizing courts to reduce sentences that have become final.

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 allow the Legislature to enact legislation authorizing courts to reduce sentences that have become final.

For
Against.

LEGISLATIVE RESOLUTION 282. Introduced by Erdman, 47.

WHEREAS, the Potter Sundry is located at 324 Chestnut Street in Potter; and
WHEREAS, the building was originally constructed with an oak back bar, leaded glass, a full mirror, and a tin roof in 1914; and
WHEREAS, the Potter Drug Company opened a drug store inside the building in 1916; and
WHEREAS, James Earl Thayer lived above the drug store, ran the pharmacy, and raised a family there; and
WHEREAS, James Earl Thayer's son, Harold Dean Thayer, acquired the nickname Pinky due to his bright red, wavy hair; and
WHEREAS, Pinky Thayer enjoyed concocting spectacular sundaes in the early 1930s; and
WHEREAS, Pinky Thayer created the first Tin Roof Sundae at the age of fourteen while working as a soda jerk and named the treat after the tin ceiling of the Potter Sundry; and
WHEREAS, the Tin Roof Sundae is an original ice cream creation made in a soda glass with vanilla ice cream topped with a generous amount of chocolate syrup, then chocolate ice cream covered with marshmallow sauce, and whole roasted Spanish peanuts on top; and
WHEREAS, in 2018 the Food Network formally recognized the Tin Roof Sundae as an iconic Nebraska dessert; and
WHEREAS, several companies have marketed ice cream flavors attempting to replicate the original Tin Roof Sundae; and
WHEREAS, the Tin Roof Sundae has also inspired the creation of new desserts; and
WHEREAS, the Tin Roof Sundae is a unique dessert combining salty and sweet, marshmallow sauce and whole roasted Spanish peanuts, setting it apart as a truly special sundae; and
WHEREAS, the Tin Roof Sundae is still being served at the Potter Sundry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes Harold Dean Thayer as the original creator of the Tin Roof Sundae.
2. That the Legislature declares the Tin Roof Sundae to be the sundaes of the State of Nebraska.
3. That a copy of this resolution be sent to Kendra Mitchell, the current owner of the Potter Sundry.

Laid over.

LEGISLATIVE RESOLUTION 283CA. Introduced by Brewer, 43; Halloran, 33; Hilgers, 21; La Grone, 49; Lowe, 37.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 VI, section 1:
VI-1 Only a citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.
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 qualifications of electors.

For

Against.

LEGISLATIVE RESOLUTION 284CA. Introduced by Brewer, 43; La Grone, 49.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 1, and Article VIII, section 1B:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this 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; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (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 land and horticultural land; (5) 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; (6) the Legislature
may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law, except as provided in Article VIII, section 1B, of this Constitution. Existing revenue laws shall continue in effect until changed by the Legislature.

VIII-1B (1) When an income tax is adopted by the Legislature, the Legislature may adopt an income tax law based upon the laws of the United States.

(2) The State of Nebraska shall be prohibited from imposing an income tax for all taxable years beginning or deemed to begin on or after January 1, 2024.

(3) In order to comply with subsection (2) of this section, the Legislature shall eliminate the income tax over a four-year period as follows:

(a) For taxable years beginning or deemed to begin on or after January 1, 2021, and before January 1, 2022, income tax rates shall be reduced to seventy-five percent of their pre-adjustment level;

(b) For taxable years beginning or deemed to begin on or after January 1, 2022, and before January 1, 2023, income tax rates shall be reduced to fifty percent of their pre-adjustment level;

(c) For taxable years beginning or deemed to begin on or after January 1, 2023, and before January 1, 2024, income tax rates shall be reduced to twenty-five percent of their pre-adjustment level; and

(d) For taxable years beginning or deemed to begin on or after January 1, 2024, no income tax shall be imposed.

(4) For purposes of this section, pre-adjustment level means the income tax rates in effect immediately prior to the reduction required in subdivision (3)(a) of this section.
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 prohibit the state from imposing an income tax for all taxable years beginning or deemed to begin on or after January 1, 2024, and to require the Legislature to eliminate the income tax over a four-year period.

For
Against.

LEGISLATIVE RESOLUTION 285CA. Introduced by Brewer, 43.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall first be used to address prison overcrowding as the Legislature may direct and any remaining money shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides
matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 for use of a portion of the proceeds of the state lottery to first address prison overcrowding and the remaining money of such portion to carry out the Nebraska Environmental Trust Act.

For
Against.

LEGISLATIVE RESOLUTION 286CA. Introduced by Cavanaugh, 6; Chambers, 11; Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 VI, section 2:

VI-2 No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

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 remove felony convictions other than treason from being a disqualification for voting.
LEGISLATIVE RESOLUTION 287. Introduced by Erdman, 47.

WHEREAS, King Robert Rhiley, Jr., was born the son of a Pikes Peak-winning race car driver, grew to love fast cars, and drove a Camaro Z28 at the age of ninety; and

WHEREAS, King Rhiley Jr.’s true passion was flying; and

WHEREAS, King Rhiley Jr. took his first dual flight on July 31, 1947, and took his first solo flight four months later; and

WHEREAS, King Rhiley Jr. accumulated an estimated thirty thousand hours of total flying time before his retirement in 2009; and

WHEREAS, King Rhiley Jr. taught his sons and friends how to fly and to operate an aerial applicator, offered pilot services to aircraft owners, and served as a volunteer pilot for flights transporting critically ill patients from small rural hospitals to larger urban hospitals; and

WHEREAS, King Rhiley Jr. became the first manager of the Garden County Airport in 1957, made the airport accessible twenty-four hours a day in the early 1960s, and extended the runway to four thousand six hundred ninety-nine feet to make it possible for private jets to take off and land; and

WHEREAS, King Rhiley Jr. received a commercial flight rating on March 19, 1960, and became a Certified Flight Instructor in June of that same year; and

WHEREAS, King Rhiley Jr. learned the art of crop dusting and received his Instrument and Multi-engine Land rating in December 1962. He later earned his Rotorcraft Helicopter Instructor rating in January 1966; and

WHEREAS, King Rhiley Jr. taught his grandson how to fly in the same Piper Cub in which he learned to fly back in 1947; and

WHEREAS, King Rhiley Jr. made his final landing in 2009 and received a Certificate of Achievement from the Aircraft Owner and Pilots Association for sixty years of active membership; and

WHEREAS, the Federal Aviation Administration renamed the Garden County Airport "King Rhiley Field" on June 20, 2019; and

WHEREAS, King Rhiley Jr. will be inducted into the Nebraska Aviation Hall of Fame on January 23, 2020.

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

1. That the Legislature recognizes the outstanding aviation achievements of King Robert Rhiley, Jr., and honors King Robert Rhiley, Jr., as a model citizen, husband, father, and grandfather.

2. That a copy of this resolution be sent to the family of King Robert Rhiley, Jr.

Laid over.
LEGISLATIVE RESOLUTION 288. Introduced by Slama, 1; Albrecht, 17; Clements, 2; Crawford, 45; Dorn, 30; Gragert, 40; Hansen, B., 16; Wayne, 13.

WHEREAS, Nebraska has experienced severe flooding in the past several years; and
WHEREAS, the frequency of severe flood events due to anthropogenic factors and releases from Gavins Point Dam is increasing; and
WHEREAS, Nebraska's preliminary assessment of damage to bridges, roads, and other infrastructure caused by the 2019 severe flood event reached approximately four hundred and fifty million dollars; and
WHEREAS, states rely on the Federal Emergency Management Agency to pay for the majority of recovery efforts related to flood damaged infrastructure; and
WHEREAS, because of the increasing frequency of flooding in Nebraska, the subsequent failure of dams, levees, and dikes caused by high water levels, and the increase in expenses for recovery efforts to restore damaged infrastructure, it is imperative that flood control be a top priority; and
WHEREAS, the Flood Control Act of 1936, an act passed by Congress and signed by President Franklin Delano Roosevelt, authorized civil engineering projects such as dams, levees, dikes, and other flood control measures to be managed by the United States Army Corps of Engineers; and
WHEREAS, the United States Army Corps of Engineers has authority over many of the levee systems in Nebraska as well as management of water flows in the Missouri River basin using a network of six dams; and
WHEREAS, as a result of a lawsuit the United States Army Corps of Engineers was ordered to address a U.S. Fish and Wildlife Service biological opinion outlining measures that must be taken by the Corps to come into compliance with the Endangered Species Act, which led to a revision of the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin; and
WHEREAS, the Master Water Control Manual for the Missouri River Basin issued in 2004 provided that the Corps, in consultation with affected interests and other agencies, would appropriately consider endangered species protection in order to obtain the optimum development and utilization of the water resources of the Missouri River basin to best serve the needs of the people; and
WHEREAS, while development along and downstream of the Missouri River has increased, the standards put in place by the Corps for levee design, construction, and maintenance have not been updated in over twenty years; and
WHEREAS, the Corps should consider the impact of flooding on people and agricultural land and economies and prioritize flood control over fish and wildlife under the authority of the federal Endangered Species Act when creating future Missouri River Mainstem Reservoir System Master Water Control Manuals and updating levee standards.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature respectfully urges Congress and the United States Army Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and the United States Army Corps of Engineers.

Laid over.

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

Senator Wayne filed the following amendment to LB68: AM1988

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 19-4021, Revised Statutes Supplement, 2019, is
4 amended to read:
5 19-4021 The mayor, with the approval of the city council, shall
6 appoint a business improvement board consisting of property owners,
7 residents, business operators, or users of space within the business area
8 to be improved. The boundaries of the business area shall be declared by
9 resolution of the city council or prior to the time of the appointment
10 of the business improvement board. The business improvement board shall
11 make recommendations to the city council for the establishment of a plan
12 or plans for improvements in the business area. If it is found that the
13 improvements to be included in one business area offer benefits that
14 cannot be equitably assessed together under the Business Improvement
15 District Act, more than one business improvement district as part of the
16 same plan for improvements for that business area may be proposed. The
17 business improvement board may make recommendations to the city as to the
18 use of any occupation tax funds collected, and may administer such funds
19 if so directed by the mayor and city council. The business improvement
20 board shall also review and make recommendations to the city regarding
21 changing expansion of the boundaries or the functions or ordinance
22 provisions of the business improvement district under sections 19-4029.02,
23 to 19-4029.05.
24 Sec. 2. Section 19-4027, Revised Statutes Supplement, 2019, is
25 amended to read:
26 19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,
27 the city council shall:
1 (1) Hear all protests and receive evidence for or against the
2 proposed action;
3 (2) Rule upon all written protests received prior to the close of
4 the hearing, which ruling shall be final; and
5 (3) Continue the hearing from time to time as the city council may
6 deem necessary.
7 If a special assessment is to be used, proceedings shall terminate
8 if written protest is made prior to the close of the hearing by the
9 record owners of over fifty percent of the assessable units in the
10 proposed business improvement district. If an occupation tax is to be
11 used, proceedings shall terminate if protest is made by users of over
12 fifty percent of the space in the proposed business improvement district.
13 Sec. 3. Section 19-4029.01, Revised Statutes Supplement, 2019, is
14 amended to read:
15 19-4029.01 (1) At least ten days prior to the date of any hearing
16 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of
such hearing shall be given by:
18 (a) One publication of the notice of hearing in a legal newspaper in
19 or of general circulation in the city;
20 (b) Mailing a copy of the notice of hearing to each owner of taxable
21 property in the proposed, modified, or expanded business improvement
22 district as shown on the latest tax rolls of the county treasurer for
23 such county;
24 (c) Providing a copy of the notice of hearing to any neighborhood
25 association registered pursuant to subsection (2) of this section in the
26 manner requested by such neighborhood association; and
27 (d) If an occupation tax is to be imposed, mailing a copy of the
28 notice of hearing to each user of space in the proposed, modified, or
29 expanded business improvement district.
30 (2) The notice required by subdivision (1)(c) of this section shall
31 be provided to any neighborhood association which is registered pursuant
1 to this subsection and whose area of representation is located, in whole
2 or in part, within a one-mile radius of the existing or proposed,
3 modified, or expanded boundaries of the business improvement district.
4 Each neighborhood association desiring to receive such notice shall
5 notify the city the area of representation of such association and
6 provide the name and contact information of the individual designated
7 to receive notice on behalf of such association and the requested manner
8 of service, whether by email or first-class or certified mail. The
9 registration shall be in accordance with any rules and regulations
10 adopted and promulgated by the city.
11 (3) Any notice of hearing for any hearing required by sections
12 19–4026 and sections 19–4029 shall contain the following information:
13 (a) A description of the boundaries of the proposed business
14 improvement district;
15 (b) The time and place of a hearing to be held by the city council
16 to consider establishment of the business improvement district;
17 (c) The proposed public facilities and improvements to be made or
18 maintained within any business improvement district; and
19 (d) The proposed or estimated costs for improvements and facilities
20 within the proposed business improvement district and the method by which
21 the revenue shall be raised. If a special assessment is proposed, the
22 notice shall also state the proposed method of assessment.
23 (4) Any notice of hearing for any hearing required by sections
24 19–4029.02 and 19–4029.03 shall contain the following information:
25 (a) A description of the boundaries of the area to be added to or
26 removed from the existing business improvement district and a description
27 of the new boundaries of the modified business improvement district;
28 (b) The time and place of a hearing to be held by the city council
29 to consider establishment of the modified business improvement district;
30 (c) The new public facilities and improvements, if any, to be made
31 or maintained within any business improvement district; and
1 (d) The proposed or estimated costs for new and existing
2 improvements and facilities within the proposed, modified, or expanded
3 business improvement district and the method by which the revenue shall
4 be raised. If a special assessment is proposed, the notice shall also
5 state the proposed method of assessment.
6 Sec. 4. Section 19–4029.02, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:
8 19–4029.02 Upon receiving a recommendation to change or expand the
9 boundaries or the functions or ordinance provisions of an existing
10 business improvement district from the business improvement board, the
11 city council may change or expand the boundaries or the functions or
12 ordinance provisions of one or more business improvement districts by
13 adopting an ordinance to that effect. Prior to adopting the ordinance, a hearing shall be held to
15 consider the ordinance.
16 Sec. 5, Section 19-4029.03, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:
18 19-4029.03 (1) If it is in the event that the city council has not acted to
19 call a hearing to change the boundaries or functions
20 of an existing business improvement district as
21 provided in section 19-4029.02, it shall do so when presented with a
22 petition signed by the users of thirty percent of space in a business
23 area proposed to be added to an existing business
24 improvement district where an occupation tax is imposed, or by the
25 record owners of thirty percent of the assessable front footage in a
26 portion of a business area proposed to be added to an existing business
27 improvement district, or (3) if the recommendation is
28 to change the functions or ordinance provisions of an existing business
29 improvement district, by the record owners of thirty percent of the
30 existing business improvement district.
31 Sec. 6, Section 19-4029.04, Revised Statutes Supplement, 2019, is
1 amended to read:
2 19-4029.04 Whenever a hearing is held to change the boundaries of an existing business improvement district
3 or ordinance provisions of an existing business improvement district under section 19-4029.02 or
4 19-4029.03, the city council shall:
5 1) Hear all protests and receive evidence for or against the
6 proposed action;
7 2) Rule upon all written protests received prior to the close of
8 the hearing, which ruling shall be final; and
9 3) Continue the hearing from time to time as the city council may
10 deem necessary.
11 If a special assessment is to be used, proceedings shall terminate
12 if written protest is made prior to the close of the hearing by the
13 record owners of over fifty percent of the assessable units in the
14 modified business improvement district as proposed. If an occupation tax
15 is to be used, proceedings shall terminate if protest is made by users of
16 over fifty percent of space in the modified business improvement district
17 as proposed.
19 Sec. 7, Section 19-4029.05, Revised Statutes Supplement, 2019, is
20 amended to read:
21 19-4029.05 (1) The city council, following a hearing under section
22 19-4029.02 or 19-4029.03, may change the boundaries or
23 functions or ordinance provisions of any business improvement district or
24 districts. If the city council decides to change the boundaries or
25 the functions or ordinance provisions of any business improvement
26 district or districts, it shall adopt an ordinance to that effect. This
27 ordinance shall contain the following information:
28 1) The name of the business improvement district whose
29 boundaries, functions, or ordinance provisions will be changed;
30 2) A statement that notice of hearing was given, including the
31 date or dates on which it was given, in accordance with section
32 19-4029.01;
33 3) The time and place the hearing was held concerning the new
34 boundaries or changed functions or ordinance provisions of the business
35 improvement district;
36 4) The purposes of the changed boundary, functions, or
37 ordinance provisions and any new public improvements and
38 facilities to be included in the business improvement district;
39 5) The description of the changed boundary, functions, or
40 ordinance provisions of the business improvement district;
41 6) A statement that the businesses and users of space in the
42 modified business improvement district established by the ordinance shall
43 be subject to the general business occupation tax or that the real
13 property in the modified business improvement district will be subject to
14 the special assessment authorized by the Business Improvement District
15 Act;
16 (2) The proposed method of assessment to be imposed within the
17 business improvement district or the initial rate of the occupation tax
18 to be imposed; and
19 (h) Any penalties to be imposed for failure to pay the tax or
20 special assessment.
21 The ordinance shall recite that the method of raising revenue
22 shall be fair and equitable. In the use of a general occupation tax, the
23 tax shall be based primarily on the square footage of the owner's and
24 user's place of business. In the use of a special assessment, the
25 assessment shall be based upon the special benefit to the property within
26 the business improvement district.
27 Revised statutes Cumulative Supplement, 2018, and sections 19–4021, 19–4027,
28 19–4029.01, 19–4029.04, and 19–4029.05, Revised Statutes Supplement,
29 30 2019, are repealed.

Senator Stinner filed the following amendment to LB4A:
AM1990
(Amendments to Final Reading copy)
1 1. Strike original section 1 and insert the following new sections:
2 Section 1. There is hereby appropriated (1) $41,789 from the Tax
3 Equalization and Review Commission Cash Fund for FY2020–21 and (2)
4 $41,789 from the Tax Equalization and Review Commission Cash Fund for
5 FY2021–22 to the Tax Equalization and Review Commission, for Program 115,
6 to aid in carrying out the provisions of Legislative Bill 4, One Hundred
7 Sixth Legislature, Second Session, 2020;
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.
11 Sec. 2. Since an emergency exists, this act takes effect when passed
12 and approved according to law.
13 2. On page 1, line 3, strike "First Session, 2019" and insert
14 "Second Session, 2020; and to declare an emergency".

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Brewer 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 Nawaf Haskan and Laila Saleh from Lincoln;
Senator Brandt's wife, Sandra; Senator Groene's wife, Barb; Senator Hunt's
mom, Mary Beth, brother, Matt, and daughter, Alice Homan; Deena Kellany
from Lincoln; Senator Albrecht's husband, Michael; Senator Erdman's wife,
Cathy; Senator Clement's wife, Peggy; Senator Pansing Brooks' husband,
Loel Brooks; Aker Marco Ajak from Omaha; Senator Hughes' wife, Josie;
Senator Stinner's wife, Rita; and Senator Crawford's husband, David.
The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:28 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
SECOND DAY - JANUARY 9, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 2020

PRAYER

The prayer was offered by Father Christopher Kubat, St. Cecelia Catholic Church, Hastings.

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 Senators Bolz, B. Hansen, Hilkemann, Kolowski, Linehan, Morfeld, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

2019 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

<p>| Agriculture |
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<td>Interim study to review the resources of the Dept. of Agriculture and state government to respond to natural disasters</td>
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<td>Interim study to review provisions governing carcass disposal requirements and options</td>
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<td>Interim study to review the resources and authorities of the Dept. of Agriculture regarding livestock disease prevention and response</td>
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<td>Interim study to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee</td>
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**Banking, Commerce and Insurance**

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<td>Interim study to determine whether the Real Property Appraiser Act should be updated</td>
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<td>94</td>
<td>Interim study in conjunction with the Attorney General and the Dept. of Banking and Finance to examine issues surrounding regulatory sandbox programs</td>
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<td>115</td>
<td>Interim study to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction</td>
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<td>137</td>
<td>Interim study to examine the Nebraska Condominium Act</td>
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<td>141</td>
<td>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.</td>
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<td>164</td>
<td>Interim study to examine the need to update the insurance laws of Nebraska in response to technology advancement and innovation.</td>
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<td>Interim study to examine the benefits of employee stock ownership programs and strategies to promote the implementation of such programs.</td>
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<td>229</td>
<td>Interim study to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act.</td>
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### Business and Labor

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<tr>
<td>106</td>
<td>Interim study to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors</td>
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<td>Interim study to examine existing anti-discrimination employment related laws to ensure they are advancing the public policy of Nebraska</td>
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<td>Interim study to review the Nebraska Wage Payment and Collection Act and the Wage and</td>
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<td>Interim study to examine issues under the jurisdiction of the Business and Labor Committee</td>
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<td>178</td>
<td>Interim study to examine the distribution of affordable housing across the state and how the lack of available affordable housing can impact the workforce</td>
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<td>Interim study to examine workforce development initiatives with emphasis on hearing the perspectives of employees across industries</td>
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<td>Interim study to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship</td>
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<td>252</td>
<td>Interim study to review employment opportunities and barriers to employment for minority and at-risk populations</td>
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<td>Interim study to examine the financing of public education and develop recommendations for improving school funding</td>
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<td>Interim study to examine issues under the jurisdiction of the Education Committee</td>
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<td>Interim study to examine the administrative costs of local school systems and school districts</td>
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<td>Interim study to conduct an indepth review of the financing of</td>
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the public elementary and secondary schools

208 Interim study to examine state and school district policies that relate to maintaining a safe and positive school learning environment

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<td>87</td>
<td>Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing committee system</td>
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<td>159</td>
<td>Interim study to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature</td>
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<td>199</td>
<td>Interim study to examine Nebraska's redistricting process</td>
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<td>217</td>
<td>Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements on legislation</td>
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<td>223</td>
<td>Interim study to appoint a special committee to carry out a comprehensive study of incarceration and mental health services in Nebraska</td>
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<td>241</td>
<td>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</td>
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### General Affairs

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<td>Interim study to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms</td>
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<td>117</td>
<td>Interim study to examine matters related to cemeteries</td>
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<td>215</td>
<td>Interim study to examine the Nebraska Lottery and Raffle Act</td>
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<td>231</td>
<td>Interim study to examine whether electrician licensing requirements and building regulations need to be changed to support economic development</td>
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### Government, Military and Veterans Affairs

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<td>92</td>
<td>Interim study to examine the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states</td>
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<td>143</td>
<td>Interim study to examine the laws for accounting and financial reporting in political subdivisions to determine a more uniform method of reporting</td>
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<td>149</td>
<td>Interim study to examine the burden of unfunded mandates on county budgets</td>
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<td>187</td>
<td>Interim study to determine the</td>
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feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies

| Interim study to examine the long-term sustainability of recurring election technology replacement | X |

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**Judiciary**

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<tr>
<td>238</td>
<td>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</td>
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<td>127</td>
<td>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</td>
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<td>Interim study to examine strategies to prevent suicide by youth involved in the Nebraska juvenile justice system</td>
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<td>124</td>
<td>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</td>
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<td>144</td>
<td>Interim study to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations</td>
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<td>Interim study to conduct a comprehensive study of due process for inmates in restrictive housing</td>
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<td>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</td>
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<td>Interim study to examine issues related to Nebraska's correctional system</td>
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<td>Interim study to examine the feasibility of adopting a Prosecutor Transparency Act in Nebraska</td>
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<td>183</td>
<td>Interim study to examine whether continuity of care and safety for</td>
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<td>Interim study to examine issues related to juvenile justice</td>
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<td>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</td>
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<td>Interim study to examine the role of truancy in the school-to-prison pipeline and explore possible alternatives to reduce truancy</td>
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<td>Interim study to examine issues related to child custody proceedings and parenting time determinations for families of divorce</td>
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<td>Interim study to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances</td>
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<td>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</td>
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<td>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</td>
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<td>Interim study to examine issues related to unfunded mandates to county governments for the</td>
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<td>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</td>
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<td>Interim study to examine the effectiveness of 24/7 sobriety programs and determine potential standards for statewide implementation</td>
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<td>Interim study to examine issues under the jurisdiction of the Judiciary Committee</td>
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<td>Interim study to examine the civil legal service needs of low-income residents</td>
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<td>Interim study to examine matters related to adoption procedures in Nebraska</td>
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<td>Interim study to examine the Office of Public Guardian</td>
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<td>Interim study to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care</td>
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### Natural Resources

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<td>114</td>
<td>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</td>
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<td>142</td>
<td>Interim study to examine any matter concerning the Game and Parks Commission</td>
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<td>96</td>
<td>Interim study to examine the long-term public power generation and transmission options in the state</td>
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<td>Interim study to examine the future of nuclear-generated electricity in Nebraska</td>
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<td>Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County</td>
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<td>138</td>
<td>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</td>
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### Nebraska Retirement Systems

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<td>Interim study to provide for presentation of reports by all political subdivisions with underfunded defined benefit plans</td>
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<td>Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board</td>
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### Revenue

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<td>Interim study to examine the elimination of sales and use tax exemptions for goods and services</td>
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<td>Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws</td>
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<td>Interim study to examine policy issues revealed during a performance audit of the Nebraska Advantage Microenterprise Tax Credit Act</td>
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<td>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</td>
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### Rules

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### Transportation and Telecommunications

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<td>Interim study to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994</td>
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<td>167</td>
<td>Interim study to review the current model of collecting taxes to build and repair roads</td>
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<td>175</td>
<td>Interim study to ensure accelerated broadband deployment statewide</td>
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<td>174</td>
<td>Interim study to examine the Highway Trust Fund and ways to increase transit infrastructure in areas with limited access</td>
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<td>Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee</td>
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<td>190</td>
<td>Interim study to examine Nebraska's history of involvement in the Midwest Interstate Passenger Rail Compact</td>
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<td>188</td>
<td>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</td>
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<td>111</td>
<td>Interim study to examine issues under the jurisdiction of the Urban Affairs Committee</td>
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<td>Interim study to examine the statutes governing cities of the primary class</td>
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<td>119</td>
<td>Interim study to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities</td>
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<td>Interim study to examine issues related to urban development in municipalities</td>
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<td>Interim study to examine issues related to density bonuses and other nonmonetary regulatory incentives in municipal zoning ordinances</td>
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<td>131</td>
<td>Interim study to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts</td>
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<td>Interim study to examine issues related to plumbing codes</td>
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<td>140</td>
<td>Interim study to examine the roles and guidelines of homeowners' associations</td>
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<td>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</td>
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<td>Interim study to examine issues related to municipalities that border another state</td>
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<td>165</td>
<td>Interim study to examine issues related to municipal firefighting</td>
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<td>interim study to review municipal rental housing inspection programs</td>
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**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR288 was referred to the Reference Committee.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 852.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to secured transactions; to amend section 52-1308, Revised Statutes Cumulative Supplement, 2018, and section 9-513A, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to farm product liens and actions relating to termination statements; and to repeal the original sections.

**LEGISLATIVE BILL 853.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to banks and banking; to authorize financial institutions to place a hold on certain customer transactions in cases of financial exploitation.

**LEGISLATIVE BILL 854.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2398 and 77-23,100, Revised Statutes Supplement, 2019; to change provisions relating to secured deposits and pooled collateral; to change reporting requirements as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 855.** Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to eliminate a requirement for confirmation by the Legislature of certain Niobrara Council members; and to repeal the original section.

**LEGISLATIVE BILL 856.** Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, and 66-1525, Reissue Revised...
Stats of Nebraska, and section 66-1529.02, Revised Statutes Supplement, 2019; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 857.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to state government; to amend section 84-920, Revised Statutes Cumulative Supplement, 2018; to require state agency review of rules and regulations as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 858.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Municipal Cooperative Financing Act; to amend sections 18-2409, 18-2410, 18-2413, 18-2414, 18-2420, 18-2427, 18-2435, 18-2436, 18-2439, 18-2445, 18-2446, 18-2451, and 18-2461, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to qualifications, removal, terms, and votes by directors, provisions relating to municipality participation, termination, expulsion, and suspension, and provisions relating to bonds; to change an audit filing deadline; to change agency restrictions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 859.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications and terms of office of commission members as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 860.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska; to change provisions relating to the term and appointment of commission members; to change commission districts and district assignments as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 861.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2001, 13-2003, 13-2017, and 13-2023, Reissue Revised Statutes of Nebraska; to define terms; to change provisions related to state policy and to the regulation of the sale or marketing of consumer merchandise and containers by a county, municipality, or agency; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 862. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418 and 28-1418.01, Revised Statutes Supplement, 2019; to prohibit possession by minors of tobacco, electronic nicotine delivery systems, or alternative nicotine products as prescribed; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-303, Reissue Revised Statutes of Nebraska; to limit the amount of property owned by the commission; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt the Bed Bug Detection and Treatment Act.

LEGISLATIVE BILL 865. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1808, 85-1810, and 85-1812, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2716, 85-1802, 85-1806, 85-1807, 85-1809, and 85-1816, Revised Statutes Supplement, 2019; to authorize and provide an income tax deduction for employer contributions as prescribed; to provide for contributions of income tax refunds; to define terms; 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 866. 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.


A BILL FOR AN ACT relating to cities and villages; to adopt the Local Option Municipal Childcare Financing Act.

LEGISLATIVE BILL 868. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2939, Reissue Revised Statutes of Nebraska; to change provisions relating to mediator duties; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Lathrop, 12.
A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1223, 25-1224, 25-1226, 25-1228, and 33-106, Revised Statutes Cumulative Supplement, 2018; to provide for issuance of subpoenas in civil proceedings pending in foreign jurisdictions; to authorize the Supreme Court to promulgate rules; to change provisions relating to issuance of and scope of subpoenas and witness fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Crawford, 45; Walz, 15.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Supplement, 2019; to change provisions relating to direct borrowing; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend section 87-303.01, Reissue Revised Statutes of Nebraska; to change provisions relating to unconscionability; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-327, 28-327.01, and 28-345, Revised Statutes Supplement, 2019; to eliminate requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone and for confidential reporting forms; to eliminate duties of the Department of Health and Human Services; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to government documents; to amend sections 60-490, 60-491, and 71-604.01, Reissue Revised Statutes of Nebraska, sections 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,121, 60-4,123, and 60-4,123.01, Revised Statutes Cumulative Supplement, 2018, and sections 60-484, 60-4,117, 60-4,118, 60-4,120.02, 60-4,122, 60-4,124, 60-4,125, 60-4,126, and 60-4,144, Revised Statutes Supplement, 2019; to change provisions relating to the issuance and renewal of motor vehicle operators' licenses and state identification cards and the issuance of commercial learners' permits; to provide a procedure for amendment of a birth certificate; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to
amend section 71-7611, Revised Statutes Supplement, 2019; to change and eliminate provisions relating to funding of programs; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 875.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require submission of a state plan amendment for outpatient assisted therapy; and to repeal the original section.

**LEGISLATIVE BILL 876.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Supplement, 2019; to change provisions relating to limitations on blighted areas; and to repeal the original section.

**LEGISLATIVE BILL 877.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for aging and disability resource centers.

**LEGISLATIVE BILL 878.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1425 and 49-14,103.01, Reissue Revised Statutes of Nebraska; to redefine immediate family; to change and eliminate provisions related to an interest in contracts; and to repeal the original sections.

**LEGISLATIVE BILL 879.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5905, Reissue Revised Statutes of Nebraska, and sections 50-1209 and 81-12,163, Revised Statutes Supplement, 2019; to change provisions regarding performance audits and termination of tax incentives as prescribed; to state intent regarding use of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 880.** 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 Supplement, 2019; 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.

**LEGISLATIVE BILL 881.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2206, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to collection of fines and costs; and to repeal the original section.

**LEGISLATIVE BILL 882.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to marriage; to amend sections 42-102, 42-373, 42-374, and 42-375, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to qualifications for marriage and annulments; and to repeal the original sections.

**LEGISLATIVE BILL 883.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to children and families; to amend section 43-512.03, Reissue Revised Statutes of Nebraska, and section 42-369, Revised Statutes Cumulative Supplement, 2018; to require notice of obligee remedies in child support orders; to make certain obligors and obligees parties to certain child support enforcement proceedings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 884.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to provide for the legal effect of certain publications concerning liability insurance; and to declare an emergency.

**LEGISLATIVE BILL 885.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend section 13-2705, Revised Statutes Supplement, 2019; to change requirements for grant of assistance applications; and to repeal the original section.

**LEGISLATIVE BILL 886.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to insurance; to amend section 87-302, Revised Statutes Cumulative Supplement, 2018; to state intent; to define terms; to prohibit certain activities by facilities as prescribed; to list a deceptive trade practice; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 887.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to prescription drugs; to amend section
71-2478, Reissue Revised Statutes of Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement, 2018; to authorize pharmacists to adapt prescriptions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 888.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,211, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the authority of the Risk Manager and State Claims Board; and to repeal the original section.

**LEGISLATIVE BILL 889.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to administrative law; to amend section 84-917, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals under the Administrative Procedure Act; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 890.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Political Subdivisions Construction Alternatives Act; to amend section 13-2914, Revised Statutes Supplement, 2019; to provide for water, wastewater, utility, and sewer construction projects; and to repeal the original section.

**LEGISLATIVE BILL 891.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2019; to provide an income tax credit for overtime pay as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 892.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2019; to change individual income tax brackets as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 893.** Introduced by Bostelman, 23.

38-1224, 38-1225, 38-1232, and 38-1237, Revised Statutes Cumulative Supplement, 2018, and section 38-1220, Revised Statutes Supplement, 2019; to define and redefine terms; to provide for community paramedic and critical care paramedic practice and discipline of training agencies; to change the scope of practice of emergency care providers; to change provisions relating to the State Trauma Advisory Board; to eliminate powers and duties; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 894.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for aid to community colleges.

**LEGISLATIVE BILL 895.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to decedents' estates; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 896.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to military installations; to require notice of construction or expansion of certain structures.

**LEGISLATIVE BILL 897.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for behavioral health aid as prescribed.

**LEGISLATIVE BILL 898.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications and technology; to define terms; and to provide for applications for the collocation of certain wireless facilities.

**LEGISLATIVE BILL 899.** Introduced by Hughes, 44; Albrecht, 17; Brandt, 32; Gragert, 40; Quick, 35.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to provide certain powers relating to biofuels and biofuel byproducts; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 900.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to property; to provide for the ownership of
an unfertilized human ovum.

**LEGISLATIVE BILL 901.** Introduced by Cavanaugh, 6; Howard, 9.

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

**LEGISLATIVE BILL 902.** Introduced by Pansing Brooks, 28; Koltermann, 24; Stinner, 48.

A BILL FOR AN ACT relating to trusts; to amend section 76-902, Reissue Revised Statutes of Nebraska; to adopt the Uniform Trust Decanting Act; to change tax provisions for property transferred under the act; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 903.** Introduced by Kolowski, 31.

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 Supplement, 2019; to provide for Down Syndrome Awareness License Plates; to harmonize provisions; and to repeal the original sections.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 289.** Introduced by Blood, 3; Crawford, 45.

WHEREAS, the Bellevue West High School football team won the 2019 Class A State Football Championship; and

WHEREAS, the Bellevue West Thunderbirds won the championship game over the Omaha Westside Warriors by a score of 35-0; and

WHEREAS, this year's state championship capped the team's second undefeated season in the last four years; 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, SECOND SESSION:

1. That the Legislature congratulates the Bellevue West High School football team on winning the 2019 Class A State Football Championship.
2. That a copy of this resolution be sent to Bellevue West High School.

Laid over.

**LEGISLATIVE RESOLUTION 290.** Introduced by Hughes, 44.

WHEREAS, the FFA team from Chase County High School, including Brooklyn Christensen, Valerie Herbert, Lindsey Mendenhall, Courtney Odens, Alexis Richmond, and Jozie Schilke, led by coaches Jeremy Vlasin
and Jason Speck, won the National Parliamentary Procedure Leadership Development Event at the 2019 National FFA Convention in Indianapolis; and

WHEREAS, the FFA parliamentary procedure competition tests a six-person team using Robert's Rules of Order to present ideas during a business meeting. Each team must take a written exam, conduct a ten-minute demonstration, answer parliamentary law questions, and prepare minutes from their demonstration; and

WHEREAS, the Chase County High School FFA team performed a demonstration three times during preliminary, semi-final, and final rounds; and

WHEREAS, this is the first time a Nebraska team has won the FFA parliamentary procedure competition; and

WHEREAS, the National FFA Organization provides leadership, personal growth, and career success training through agricultural education throughout the United States; 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, SECOND SESSION:

1. That the Legislature congratulates the Imperial Chapter of the National FFA Organization for representing Nebraska and winning the National Parliamentary Procedure Leadership Development Event at the Ninety-Second National FFA Convention.

2. That a copy of this resolution be sent to Chase County High School.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Hughes, 44.

WHEREAS, Jozie Schilke was named the Most Outstanding Member during the National Parliamentary Procedure Leadership Development Event at the 2019 National FFA Convention in Indianapolis; and

WHEREAS, the Most Outstanding Member award is based on debating ability, including the logic and fluency of arguments made during competitive debate; and

WHEREAS, the National FFA Organization provides leadership, personal growth, and career success training through agricultural education throughout the United States; 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, SECOND SESSION:

1. That the Legislature congratulates Jozie Schilke for representing Nebraska and winning the Most Outstanding Member award at the Ninety-Second National FFA Convention.

2. That a copy of this resolution be sent to Jozie Schilke.
Laid over.

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

Senator Wishart filed the following amendment to LB450A:

**AM2057**

(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) $268,369 from the
3 General Fund for FY2020-21 and (2) $268,369 from the General Fund for
4 FY2021-22 to the Military Department, for Program 548, to aid in carrying
5 out the provisions of Legislative Bill 450, One Hundred Sixth
7 There is included in the appropriation to this program for FY2020-21
8 $268,369 General Funds for state aid, which shall only be used for such
9 purpose. There is included in the appropriation to this program for
10 FY2021-22 $268,369 General Funds for state aid, which shall only be used
11 for such purpose.
12 No expenditures for permanent and temporary salaries and per diems
13 for state employees shall be made from funds appropriated in this
14 section.
15 2. On page 1, line 3, strike "First Session, 2019" and insert
16 "Second Session, 2020".

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

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

Senator La Grone name added to LB153.
Senator Hilkemann name added to LB187.
Senator McCollister name added to LB369.
Senator Wayne name added to LB401.
Senator Walz name added to LB752.
Senator Lindstrom name added to LB814.
Senator Hughes name added to LB814.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 10:59 a.m., on a motion by Senator Albrecht, the Legislature adjourned
until 10:00 a.m., Friday, January 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRD DAY - JANUARY 10, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 2020

PRAYER

The prayer was offered by Pastor Wayne Nestor, Trinity Lutheran Church, Columbus.

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 Senators B. Hansen, Linehan, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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<td>LB740</td>
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</table>
Ackerman, Kelli M. - Public Employees Retirement Board - Nebraska Retirement Systems

Anderson, Dorothy C. - Nebraska Educational Telecommunications Commission - Education

Anderson, Douglas - Environmental Quality Council - Natural Resources

Anthone, Gary J. - Chief Medical Officer and Director - Division of Public Health - Department of Health and Human Services - Health and Human Services

Arch, Cameron J. - Nebraska Commission on Problem Gambling - General Affairs

Arteaga, Candice - Commission for the Deaf and Hard of Hearing - Health and Human Services

Barfuss, Karl - Environmental Quality Council - Natural Resources

Barthold, Claudia Louise - Nebraska Commission on Problem Gambling - General Affairs

Beveridge, Janelle - State Racing Commission - General Affairs

Boatright, Anne C. - Crime Victim's Reparations Committee - Judiciary

Brummer, James S. - State Electrical Board - General Affairs

Buckendahl, Chad W. - Technical Advisory Committee for Statewide Assessment - Education

Budke, Stephan - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Buethe, Rod - State Emergency Response Commission - Government, Military and Veterans Affairs

Bulger, Mark M. - Commission for the Blind and Visually Impaired - Health and Human Services

Canada, Mark R. - Nebraska Commission on Problem Gambling - General Affairs

Carter, Jacque - Nebraska Educational Telecommunications Commission - Education

Chance, Jillian - Nebraska Child Abuse Prevention Fund Board - Health and Human Services

Cloninger, Dennis - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Daniels, Timothy - Coordinating Commission for Postsecondary Education - Education

Dinkel, John M. - Nebraska Investment Council - Nebraska Retirement Systems

Else, Timothy L. - Nebraska Ethanol Board - Natural Resources

Fagerland, Jerome A. - State Highway Commission - Transportation and Telecommunications
Feit, Robert J. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Garman, Charles - Coordinating Commission for Postsecondary Education - Education
Goins, Anthony - Director - Department of Economic Development - Banking, Commerce and Insurance
Grams, Dennis D. - Environmental Quality Council - Natural Resources
Gray, Cindy - Technical Advisory Committee for Statewide Assessment - Education
Greene, Michael Allen Christopher - Nebraska Rural Health Advisory Commission - Health and Human Services
Hansen, David J. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Harder, Seth B. - Environmental Quality Council - Natural Resources
Hawks, James W. - Environmental Quality Council - Natural Resources
Hawks, James W. - State Highway Commission - Transportation and Telecommunications
Heyen, Brent - Commission for the Blind and Visually Impaired - Health and Human Services
Hilyard, Elizabeth A. - Nebraska Power Review Board - Natural Resources
Hunter, David - State Electrical Board - General Affairs
Jacobs, Brad - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Jahnke, Michael D. - Public Employees Retirement Board - Nebraska Retirement Systems
Jones, Clint - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Jordening, Polly Ann - State Emergency Response Commission - Government, Military and Veterans Affairs
Kanger, Jeff T. - Nebraska Environmental Trust Board - Natural Resources
Keeling, Kyle - State Emergency Response Commission - Government, Military and Veterans Affairs
Kosiski, Joseph - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Kuhn, James D. - Tax Equalization and Review Commission - Revenue
Lambert, Kelly J. - Nebraska Commission on Problem Gambling - General Affairs
Langan, Mark T. - Board of Parole - Judiciary
Leafgreen, Douglas - State Highway Commission - Transportation and Telecommunications
Lubben, Bradley D. - Beginning Farmer Board - Agriculture
Marshall, Norris - Environmental Quality Council - Natural Resources
McCaslin, Thomas R. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
McQuillan, Shelly K. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Ngotel, Tonya - State Emergency Response Commission - Government, Military and Veterans Affairs
Nielsen, Dave W. - Beginning Farmer Board - Agriculture
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:

Mark Laughlin, 5106 California Street, Omaha, NE 68132

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

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 904.** Introduced by Bolz, 29; Brewer, 43.

A BILL FOR AN ACT relating to the Water Sustainability Fund; to amend sections 61-222 and 61-223, Reissue Revised Statutes of Nebraska, sections 2-1506, 2-1508, 2-1512, and 2-1513, Revised Statutes Cumulative Supplement, 2018, and section 2-1507, Revised Statutes Supplement, 2019; to provide an additional use of the fund; to restate intent; to provide and change transfers from the General Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 905.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2019; to provide for a fee on single-use checkout bags and for a program to distribute reusable checkout bags; to define terms; to create a fund; to provide a duty for the Department of Environment and Energy; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 906.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-728 and 28-730, Reissue Revised Statutes of Nebraska; to provide for maintenance of and restrictions on the release and use of video recordings of forensic interviews; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 907.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to adoptions; to amend sections 25-309, 43-101, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.15, 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105, 43-106, 43-107, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115, 43-146.01, 43-906, and 43-1411, Reissue Revised Statutes of Nebraska, and sections 25-307 and 43-102, Revised Statutes Cumulative Supplement, 2018; to provide for adoption by two persons jointly; to define terms; to change provisions relating to consents, biological, putative, adjudicated, and acknowledged fathers, required notices, objections to adoptions, procedures, home studies, and terminology; to authorize minor parents to participate in adoption
LEGISLATIVE JOURNAL

proceedings as prescribed; to eliminate provisions relating to guardians ad litem and adjudicated biological fathers; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-104.19, 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 908. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-905, 45-906, 45-912, and 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, 45-910, and 45-911, Revised Statutes Cumulative Supplement, 2018; to update a definition, define a term, add a processing fee, and change licensing provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 909. Introduced by Williams, 36.

A BILL FOR AN ACT relating to finance; to amend sections 45-191.02, 45-191.09, 45-1017, 45-1033, and 59-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103, 8-141, 8-167, and 59-1722, Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1103, 8-1111, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, and 69-2112, Revised Statutes Supplement, 2019, and section 4A-108, Uniform Commercial Code, Revised Statutes Supplement, 2019; to change provisions relating to certain prohibited acts by Department of Banking and Finance employees; to redefine a term relating to loan limits; to update and change references to certain federal provisions; to eliminate a reporting notice requirement and exemption; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change obsolete civil penalty provisions; to change the fund for remittance of loan broker filing fees; to change provisions relating to examinations under the Nebraska Installment Loan Act; to repeal the original sections; to outright repeal section 8-167.01, Revised Statutes Supplement, 2019; and to declare an emergency.

LEGISLATIVE BILL 910. Introduced by Stinner, 48.

fees; to create, eliminate, and transfer funds; to eliminate provisions regarding failure to report interests in certain real estate and powers and duties regarding centralized computer system equipment; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 76-1522 and 84-510, Reissue Revised Statutes of Nebraska, section 84-907.03, Revised Statutes Cumulative Supplement, 2018, section 45-621, Revised Statutes Supplement, 2019, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 911. Introduced by Quick, 35; Brewer, 43.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 16-201, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 16-202, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the state veteran cemetery system; to state intent; to eliminate obsolete provisions; to provide for conveyance of real estate as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 912. Introduced by Brandt, 32; Briese, 41; Lathrop, 12; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska; to change provisions relating to examination or witnesses by telephonic, videoconferencing, and similar methods; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend sections 28-501, 28-502, 28-503, 28-504, 28-505, 28-520, 28-522, and 28-524, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to arson; to define terms; to redefine a term relating to trespass and graffiti; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 914. Introduced by Hunt, 8; Hansen, M., 26.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1485, 76-1486, and 76-14,101, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of rental deposits, damages, and the period of time relating to a written notice of termination of a rental agreement; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Hunt, 8; Hansen, M., 26.

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 916.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services for the construction or expansion of a community corrections facility.

**LEGISLATIVE BILL 917.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to provide for a diabetes pilot study; and to repeal the original section.

**LEGISLATIVE BILL 918.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to government; to create the Commission on African American Affairs; and to require a study.

**LEGISLATIVE BILL 919.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Hemp Farming Act; to amend sections 2-507 and 2-5701, Revised Statutes Supplement, 2019; to change provisions relating to approval and denial of license applications and licensing agreements; and to repeal the original sections.

**LEGISLATIVE BILL 920.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to education; to amend sections 79-8.124, 79-8.125, 79-8.126, 79-8.128, 79-8.131, 79-8.132, 79-8.133, 79-8.135, 79-8.138, 79-8.139, 79-8.140, 79-1064, and 79-1201.01, Reissue Revised Statutes of Nebraska, sections 9-812, 9-836.01, 79-759, 79-8.134, 79-8.137, 79-8.137.01, 79-8.137.02, 79-8.137.03, 79-8.137.04, 79-8.137.05, 79-1054, 79-1104.02, 79-1337, 79-2503, 79-2505, 79-2506, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2018, and sections 79-1003 and 84-304, Revised Statutes Supplement, 2019; to change provisions relating to the State Lottery Operation Trust Fund, the Nebraska Education Improvement Fund, the Nebraska Opportunity Grant Fund, the Excellence in Teaching Cash Fund, the Excellence in Teaching Act, the Department of Education Innovative Grant Fund, the Community College Gap Assistance Program Fund, the Expanded Learning Opportunity Grant Fund, the State Department of Education Cash Fund, the State Department of Education, and the Coordinating Commission for Postsecondary Education; to change the name and provisions of the Master Teacher Program Act; to create funds; to eliminate funds; to transfer powers and duties as prescribed; to define and redefine terms; to provide for funding for schools implementing and offering distance education, and expanded
learning opportunities, as prescribed; to provide funding for education pathway software, a consortium, and grants as prescribed; to provide duties; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-8,127, 79-8,129, 79-8,130, and 79-1336, Reissue Revised Statutes of Nebraska, and sections 50-425, 50-426, 50-427, 50-428, and 79-10,145, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 921. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.03, 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 Supplement, 2019; to change provisions relating to the Game and Parks State Park Improvement and Maintenance Fund; to provide for The Good Life Is Outside Plates; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to prescriptions; to amend sections 28-414, 28-414.01, 38-2870, and 38-2891, Revised Statutes Cumulative Supplement, 2018, and section 38-101, Revised Statutes Supplement, 2019; to define a term; to require electronic issuance of prescriptions for controlled substances; to provide exceptions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 923. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to change provisions relating to gross receipts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 924. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01 and 81-1414.07, Reissue Revised Statutes of Nebraska, and section 20-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to racial profiling prevention policies; to prohibit law enforcement agencies failing to comply with racial profiling monitoring and reporting requirements from receiving funding from the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to require anti-bias and implicit bias training for law enforcement officers; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Chambers, 11.
A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-911, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for declaratory judgments; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend section 48-2907, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to violations of the act; to provide for a hearing; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12; Slama, 1.

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 928. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12; Slama, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 929. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.04, Reissue Revised Statutes of Nebraska; to provide an exemption to the act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4212, Reissue Revised Statutes of Nebraska; to require a minimum amount of tax relief under the Property Tax Credit Act; and to repeal the original section.

LEGISLATIVE BILL 931. Introduced by Halloran, 33; Clements, 2; Dorn, 30; Erdman, 47; Gragert, 40; Hughes, 44; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,301, Revised Statutes Cumulative Supplement, 2018; to change a harvested products maximum weight
overload exception; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 932.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-992, Revised Statutes Supplement, 2019; to provide duties for the Department of Health and Human Services; and to repeal the original section.

**LEGISLATIVE BILL 933.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to utility service; to amend sections 70-1605 and 70-1606, Reissue Revised Statutes of Nebraska; to change provisions relating to discontinuance of utility service; and to repeal the original sections.

**LEGISLATIVE BILL 934.** Introduced by Morfeld, 46; Briese, 41; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; La Grone, 49; Pansing Brooks, 28; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to attorneys at law; to amend sections 7-101.01 and 7-102, Reissue Revised Statutes of Nebraska; to change provisions relating to the authorized practice of law by certain law students; to eliminate a bar examination requirement for graduates of an accredited law school in Nebraska; and to repeal the original sections.

**LEGISLATIVE BILL 935.** Introduced by Hunt, 8; Bolz, 29; Brewer, 43; Cavanaugh, 6; Chambers, 11; DeBoer, 10; Dorn, 30; Hansen, M., 26; Howard, 9; Kolowski, 31; Lindstrom, 18; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.03, Reissue Revised Statutes of Nebraska; to authorize expenditures by a committee for expenses incurred for child care services by an officeholder as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 936.** Introduced by Hunt, 8; Bolz, 29; Brewer, 43; Cavanaugh, 6; Chambers, 11; DeBoer, 10; Dorn, 30; Hansen, M., 26; Howard, 9; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.03, Reissue Revised Statutes of Nebraska; to authorize expenditures by a committee for conference fees, meals, lodging, and travel for certain members of an officeholder's immediate family as prescribed; and to repeal the original section.
LEGISLATIVE BILL 937. Introduced by Brewer, 43; Gragert, 40; Hunt, 8; Pansing Brooks, 28.

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 require the display of tribal flags in the State Capitol as prescribed; to harmonize provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 292CA. Introduced by La Grone, 49; Albrecht, 17; Bostelman, 23; Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Lowe, 37; Moser, 22; Murman, 38; Slama, 1.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 22:

I-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to combat voter fraud, preserve the relative power of each eligible citizen's right to vote, modernize the election infrastructure of the state, and ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government, a poll worker shall review a photograph or digital image of each voter to verify the identity of the voter in a manner determined by the Legislature prior to allowing the voter to vote. The Legislature shall provide specifications for the manner of reviewing such photograph or digital image and for exemptions for specific situations in which such requirement would violate an individual's rights under the Constitution of the United States.

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 verification of identity in a manner provided by the Legislature prior to voting.

For
Against.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB153:

AM2064

1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2716, Revised Statutes Supplement, 2019, is
amended to read:
5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:
8 (a)(i) There shall be subtracted interest or dividends received by
9 the owner of obligations of the United States and its territories and
10 possessions or of any authority, commission, or instrumentality of the
11 United States to the extent includable in gross income for federal income
12 tax purposes but exempt from state income taxes under the laws of the
13 United States; and
14 (ii) There shall be subtracted interest received by the owner of
15 obligations of the State of Nebraska or its political subdivisions or
16 authorities which are Build America Bonds to the extent includable in
17 gross income for federal income tax purposes;
18 (b) There shall be subtracted that portion of the total dividends
19 and other income received from a regulated investment company which is
20 attributable to obligations described in subdivision (a) of this
21 subsection as reported to the recipient by the regulated investment
22 company;
23 (c) There shall be added interest or dividends received by the owner
24 of obligations of the District of Columbia, other states of the United
25 States, or their political subdivisions, authorities, commissions, or
26 instrumentalities to the extent excluded in the computation of gross
27 income for federal income tax purposes except that such interest or
28 dividends shall not be added if received by a corporation which is a
29 regulated investment company;
30 (d) There shall be added that portion of the total dividends and
31 other income received from a regulated investment company which is
32 attributable to obligations described in subdivision (c) of this
33 subsection and excluded for federal income tax purposes as reported to
34 the recipient by the regulated investment company; and
35 (e)(i) Any amount subtracted under this subsection shall be reduced
36 by any interest on indebtedness incurred to carry the obligations or
37 securities described in this subsection or the investment in the
38 regulated investment company and by any expenses incurred in the
39 production of interest or dividend income described in this subsection to
40 the extent that such expenses, including amortizable bond premiums, are
41 deductible in determining federal taxable income.
42 (ii) Any amount added under this subsection shall be reduced by any
43 expenses incurred in the production of such income to the extent
44 disallowed in the computation of federal taxable income.
18 (2) There shall be added a net operating loss derived from or
19 connected with Nebraska sources computed under rules and regulations
20 adopted and promulgated by the Tax Commissioner consistent, to the extent
21 possible under the Nebraska Revenue Act of 1967, with the laws of the
22 United States. For a resident individual, estate, or trust, the net
23 operating loss computed on the federal income tax return shall be
24 adjusted by the modifications contained in this section. For a
25 nonresident individual, estate, or trust or for a partial-year resident
26 individual, the net operating loss computed on the federal return shall
27 be adjusted by the modifications contained in this section and any
28 carryovers or carrybacks shall be limited to the portion of the loss
29 derived from or connected with Nebraska sources.
30 (3) There shall be subtracted from federal adjusted gross income for
31 all taxable years beginning on or after January 1, 1987, the amount of
1 any state income tax refund to the extent such refund was deducted under
2 the Internal Revenue Code, was not allowed in the computation of the tax
3 due under the Nebraska Revenue Act of 1967, and is included in federal
4 adjusted gross income.
5 (4) Federal adjusted gross income, or, for a fiduciary, federal
6 taxable income shall be modified to exclude the portion of the income or
7 loss received from a small business corporation with an election in
8 effect under subchapter S of the Internal Revenue Code or from a limited
9 liability company organized pursuant to the Nebraska Uniform Limited
10 Liability Company Act that is not derived from or connected with Nebraska
11 sources as determined in section 77-2734.01.
12 (5) There shall be subtracted from federal adjusted gross income or,
13 for corporations and fiduciaries, federal taxable income dividends
14 received or deemed to be received from corporations which are not subject
15 to the Internal Revenue Code.
16 (6) There shall be subtracted from federal taxable income a portion
17 of the income earned by a corporation subject to the Internal Revenue
18 Code of 1986 that is actually taxed by a foreign country or one of its
19 political subdivisions at a rate in excess of the maximum federal tax
20 rate for corporations. The taxpayer may make the computation for each
21 foreign country or for groups of foreign countries. The portion of the
22 taxes that may be deducted shall be computed in the following manner:
23 (a) The amount of federal taxable income from operations within a
24 foreign taxing jurisdiction shall be reduced by the amount of taxes
25 actually paid to the foreign jurisdiction that are not deductible solely
26 because the foreign tax credit was elected on the federal income tax
27 return;
28 (b) The amount of after-tax income shall be divided by one minus the
29 maximum tax rate for corporations in the Internal Revenue Code; and
30 (c) The result of the calculation in subdivision (b) of this
31 subsection shall be subtracted from the amount of federal taxable income
1 used in subdivision (a) of this subsection. The result of such
2 calculation, if greater than zero, shall be subtracted from federal
3 taxable income.
4 (7) Federal adjusted gross income shall be modified to exclude any
5 amount repaid by the taxpayer for which a reduction in federal tax is
6 allowed under section 1341(a)(5) of the Internal Revenue Code.
7 (8)(a) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be reduced, to the extent
9 included, by income from interest, earnings, and state contributions
10 received from the Nebraska educational savings plan trust created in
11 sections 85-1801 to 85-1817 and any account established under the
12 achieving a better life experience program as provided in sections
13 77-1401 to 77-1409.
14 (b) Federal adjusted gross income or, for corporations and
15 fiduciaries, federal taxable income shall be reduced by any contributions
16 as a participant in the Nebraska educational savings plan trust or
17 contributions to an account established under the achieving a better life
18 experience program made for the benefit of a beneficiary as provided in
19 sections 77-1401 to 77-1409, to the extent not deducted for federal
20 income tax purposes, but not to exceed five thousand dollars per married
21 filing separate return or ten thousand dollars for any other return. With
22 respect to a qualified rollover within the meaning of section 529 of the
23 Internal Revenue Code from another state’s plan, any interest, earnings,
24 and state contributions received from the other state’s educational
25 savings plan which is qualified under section 529 of the code shall
26 qualify for the reduction provided in this subdivision. For contributions
27 by a custodian of a custodial account including rollovers from another
28 custodial account, the reduction shall only apply to funds added to the
29 custodial account after January 1, 2014.
30 (c) Federal adjusted gross income or, for corporations and
31 fiduciaries, federal taxable income shall be increased by:
1 (i) The amount resulting from the cancellation of a participation
2 agreement refunded to the taxpayer as a participant in the Nebraska
3 educational savings plan trust to the extent previously deducted under
4 subdivision (8)(b) of this section; and
5 (ii) The amount of any withdrawals by the owner of an account
6 established under the achieving a better life experience program as
7 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
8 extent previously deducted under subdivision (8)(b) of this section.
9 (9)(a) For income tax returns filed after September 10, 2001, for
10 taxable years beginning or deemed to begin before January 1, 2006, under
11 the Internal Revenue Code of 1986, as amended, federal adjusted gross
12 income or, for corporations and fiduciaries, federal taxable income shall
13 be increased by eighty-five percent of any amount of any federal bonus
14 depreciation received under the federal Job Creation and Worker
15 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
16 under section 168(k) or section 1400L of the Internal Revenue Code of
17 1986, as amended, for assets placed in service after September 10, 2001, or
18 before December 31, 2005.
19 (b) For a partnership, limited liability company, cooperative,
20 including any cooperative exempt from income taxes under section 521 of
21 the Internal Revenue Code of 1986, as amended, limited cooperative
22 association, subchapter S corporation, or joint venture, the increase
23 shall be apportioned to
24 Nebraska in the same manner as income is apportioned to the state by
25 section 77-2734.05.
26 (c) For a corporation with a unitary business having activity both
27 inside and outside the state, the increase shall be apportioned to
28 Nebraska in the same manner as income is apportioned to the state by
29 section 77-2734.05.
30 (d) The amount of bonus depreciation added to federal adjusted gross
31 income or, for corporations and fiduciaries, federal taxable income by
32 this subsection shall be subtracted in a later taxable year. Twenty
33 percent of the total amount of bonus depreciation added back by this
34 subsection for tax years beginning or deemed to begin before January 1,
35 2003, under the Internal Revenue Code of 1986, as amended, may be
36 subtracted in the first taxable year beginning or deemed to begin on or
37 after January 1, 2005, under the Internal Revenue Code of 1986, as
38 amended, and twenty percent in each of the next four following taxable
39 years. Twenty percent of the total amount of bonus depreciation added
40 back by this subsection for tax years beginning or deemed to begin on or
41 after January 1, 2003, may be subtracted in the first taxable year
42 beginning or deemed to begin on or after January 1, 2006, under the
43 Internal Revenue Code of 1986, as amended, and twenty percent in each of
44 the next four following taxable years.
45 (10) For taxable years beginning or deemed to begin on or after
46 January 1, 2003, and before January 1, 2006, under the Internal Revenue
47 Code of 1986, as amended, federal adjusted gross income or, for
48 corporations and fiduciaries, federal taxable income shall be increased
49 by the amount of any capital investment that is expensed under section
50 179 of the Internal Revenue Code of 1986, as amended, that is in excess
51 of twenty-five thousand dollars that is allowed under the federal Jobs
52 and Growth Tax Act of 2003. Twenty percent of the total amount of
53 expensing added back by this subsection for tax years beginning or deemed
54 to begin on or after January 1, 2003, may be subtracted in the first
55 taxable year beginning or deemed to begin on or after January 1, 2006,
56 under the Internal Revenue Code of 1986, as amended, and twenty percent
57 in each of the next four following tax years.
58 (11)(a) For taxable years beginning or deemed to begin before
59 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
60 federal adjusted gross income shall be reduced by contributions, up to
61 two thousand dollars per married filing jointly return or one thousand
62 dollars for any other return, and any investment earnings made as a
63 participant in the Nebraska long-term care savings plan under the Long-
2 Term Care Savings Plan Act, to the extent not deducted for federal income tax purposes.
4 (b) For taxable years beginning or deemed to begin before January 1, 2018, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be increased by the withdrawals made as a participant in the Nebraska long-term care savings plan under the act by a person who is not a qualified individual or for any reason other than transfer of funds to a spouse, long-term care expenses, long-term care insurance premiums, or death of the participant, including withdrawals made by reason of cancellation of the participation agreement, to the extent previously deducted as a contribution or as investment earnings.
13 (12) There shall be added to federal adjusted gross income for individuals, estates, and trusts any amount taken as a credit for franchise tax paid by a financial institution under sections 77-3801 to 77-3807 as allowed by subsection (5) of section 77-2715.07.
17 (13)(a) For taxable years beginning or deemed to begin on or after January 1, 2015, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be reduced by the amount received as benefits under the federal Social Security Act which are included in the federal adjusted gross income if:
22 (i) For taxpayers filing a married filing joint return, federal adjusted gross income is fifty-eight thousand dollars or less; or
24 (ii) For taxpayers filing any other return, federal adjusted gross income is forty-three thousand dollars or less.
26 (b) For taxable years beginning or deemed to begin on or after January 1, 2020, under the Internal Revenue Code of 1986, as amended, the Tax Commissioner shall adjust the dollar amounts provided in subdivisions (13)(a)(i) and (ii) of this section by the same percentage used to adjust individual income tax brackets under subsection (3) of section 77-2715.03.
1 (14)(a) (4) For taxable years beginning or deemed to begin on or after January 1, 2015, and before January 1, 2021, under the Internal Revenue Code of 1986, as amended, an individual may make a one-time election within two calendar years after the date of his or her retirement from the military to exclude income received as a military retirement benefit by the individual to the extent included in federal adjusted gross income and as provided in this subdivision subsection. The individual may elect to exclude forty percent of his or her military retirement benefit income for seven consecutive taxable years beginning with the year in which the election is made or may elect to exclude fifteen percent of his or her military retirement benefit income for all taxable years beginning with the year in which he or she turns sixty-seven years of age.
14 (b) For taxable years beginning or deemed to begin on or after January 1, 2021, under the Internal Revenue Code of 1986, as amended, an individual may exclude fifty percent of the military retirement benefit income received by such individual to the extent included in federal adjusted gross income.
19 (c) For purposes of this subsection, military retirement benefit means retirement benefits that are periodic payments attributable to service in the uniformed services of the United States for personal services performed by an individual prior to his or her retirement.
23 Sec. 2. Original section 77-2716, Revised Statutes Supplement, 24 2019, is repealed.

Senator Cavanaugh filed the following amendment to LB534:
AM2053
(Amendments to Standing Committee amendments, AM686)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original section and all amendments thereto and insert
Section 1. (1) On or before September 15, 2020, and September 15 of each even-numbered year thereafter, each public postsecondary institution shall electronically submit a report regarding sexual violence, dating violence, domestic violence, and stalking to the Clerk of the Legislature. The report shall include:

(a) Results of any campus climate survey related to sexual violence, dating violence, domestic violence, and stalking;
(b) Information related to the training provided to Title IX coordinators, investigators, and decisionmakers regarding sexual violence, dating violence, domestic violence, and stalking;
(c) Any policies, initiatives, or grievance procedures the postsecondary institution has adopted to address sexual violence, dating violence, domestic violence, and stalking;
(d) Information on where students and employees may receive immediate emergency assistance to address instances of sexual violence, dating violence, domestic violence, and stalking;
(e) Information on how students and employees may report concerns of sexual violence, dating violence, domestic violence, and stalking to the postsecondary institution;
(f) Information on resources, programs, and support available to students and employees to address concerns of sexual violence, dating violence, domestic violence, and stalking;
(g) Information on any student or employee-led organizations engaged in supporting victims of sexual violence, dating violence, domestic violence, and stalking; and
(h) Any agreement between the postsecondary institution and a local law enforcement agency or county attorney's office related to addressing instances of sexual violence, domestic violence, and stalking.

(2) The report shall not include any personally identifiable information, information that is subject to a privilege arising under state or federal law, or records that may be withheld from disclosure under section 84-712.05.

(3) On or before December 15, 2020, and on or before December 15 of each even-numbered year thereafter, the Education Committee of the Legislature shall hold a public hearing to review all reports submitted under this section.

(4) For purposes of this section:

(a) Postsecondary institution has the same meaning as in section 85-2403;
(b) Sexual violence means sexual acts perpetrated against a person's will or when a person is incapable of giving consent by reason of, but not limited to, the following:
(i) Such person's age;
(ii) Such person's use of drugs or alcohol; or
(iii) An intellectual or other disability that prevents such person from having the capacity to give consent;
(c) Title IX means Title IX of the Education Amendments of 1972, Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying regulations and guidance documents, as such law, regulations, and documents existed on January 1, 2020; and
(d) The terms dating violence, domestic violence, and stalking have the same meaning as defined in a postsecondary institution's policies.

Senator Morfeld filed the following amendment to LB206:

AM2066

(Amendments to Standing Committee amendments, AM430)

1. On page 2, line 6, strike "ethically".
2. On page 3, line 29, after "standards" insert "as set forth in the
REPORTS

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

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB153.
Senator Brandt name added to LB267.
Senator Gragert name added to LB477.
Senator Crawford name added to LB744.
Senator Arch name added to LB744.
Senator Hunt name added to LB748.
Senator Walz name added to LB748.
Senator Crawford name added to LB752.
Senator Bolz name added to LB752.
Senator Erdman name added to LB770.
Senator Williams name added to LB778.
Senator Bolz name added to LB778.
Senator Lindstrom name added to LB806.

VISITOR(S)

The Doctor of the Day was Dr. Robert Wergin from Seward.

ADJOURNMENT

At 11:01 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Monday, January 13, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTH DAY - JANUARY 13, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 2020

PRAYER

The prayer was offered by Senator Moser.

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 and Stinner who were excused; and Senators DeBoer, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

EXECUTIVE BOARD REPORT

Pursuant to section 81-8,241, Senator Hilgers, chairperson of the Executive Board, moves the appointment of Julie Rogers as Public Counsel (Ombudsman). A two-thirds vote is required.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
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<td>LB852</td>
<td>Banking, Commerce and Insurance</td>
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<td>LB853</td>
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<td>Government, Military and Veterans Affairs</td>
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<td>LB858</td>
<td>Urban Affairs</td>
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</table>
Laughlin, Mark - Nebraska Arts Council - General Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board
RESOLUTION(S)

LEGISLATIVE RESOLUTION 293. 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, Allen J. Beermann of Lincoln, Nebraska, has displayed outstanding public service and leadership during his life; and

WHEREAS, Allen was born and raised on a farm in Dakota County, was a member of the National Honor Society, and graduated from South Sioux City High School in 1958; and

WHEREAS, after graduating from Midland Lutheran University, Allen earned a Juris Doctorate degree from the Creighton University School of Law in 1965; and

WHEREAS, Allen served as Legal Counsel and Administrative Assistant to the Nebraska Secretary of State for two years and was appointed Deputy Secretary of State on September 7, 1967; and

WHEREAS, Allen was sworn into office as Secretary of State for his first four-year term in 1971 and was sworn into office for a sixth four-year term on January 9, 1991, making him Nebraska's longest-serving Secretary of State; and

WHEREAS, Allen served in the Nebraska Army National Guard and the United States Army Reserve from 1967 to 1993 and retired as a Lieutenant Colonel in the Judge Advocate General Corps; and

WHEREAS, Allen became the Executive Director of the Nebraska Press Association on January 6, 1995; and

WHEREAS, Allen served as Chairman of the Nebraska Committee for Employer Support of the Guard and Reserve, on the Board of Directors for the Nebraska State Patrol Foundation, Inc., on the Executive Board for the Cornhusker Council Boy Scouts of America, and, for 14 years, on the Immanuel Medical Center Board in Omaha; and

WHEREAS, Allen served on the Federal Election Commission's Clearinghouse Advisory Panel for 18 years; and

WHEREAS, Allen is a member of the Nebraska Bar Association, the American Bar Association, American Legion Post No. 3, Elks Lodge No. 80, the Newcomen Society of North America, the NEBRASKAland Foundation, and the Lincoln Foundation; and

WHEREAS, Allen was appointed by Governor Ben Nelson to serve as a Nebraska Diplomat in 1993; and
WHEREAS, Allen was awarded an Honorary Life Membership in Nebraska Jaycees and he received the National Association of Secretaries of State Meritorious Service Medallion in 1976; and
WHEREAS, Allen was awarded the Exceptional Service Award from the Selective Service System, and the Federal Voting Assistance Award by William Perry, the United States Secretary of Defense in 1994; and
WHEREAS, in 2001 the Nebraska Diplomats gave Allen their highest honor, Ambassador Plenipotentiary, and at a formal ceremony the Republic of China presented him with their Foreign Service Medallion; and
WHEREAS, Allen was the first civilian recipient of the Homeland Defense Ribbon presented by Governor Mike Johanns and the Adjutant General Roger Lempke in 2003; and
WHEREAS, the University of Nebraska presented Allen the Outstanding Service to Journalism Award in 2005; and
WHEREAS, Allen was awarded the Ike Friedman Community Leadership Award from the Knights of AK-SAR-BEN in 2006; and
WHEREAS, Allen was named Nebraskan of the Year by the combined Rotary clubs of Nebraska in 2007; and
WHEREAS, Allen received the All-American Journalist Award from Midland University, and he also became the Omaha Press Club's Face on the Barroom Floor in 2009; and
WHEREAS, Allen served as a judge in the Miss Nebraska Pageant in 2010; and
WHEREAS, Allen served as an official escort on multiple occasions for Miss America Teresa Scanlan from Gering, Nebraska, in 2010 and 2011; and
WHEREAS, Allen received the highest award given by the NEBRASKAland Foundation, the Distinguished NEBRASKAlander Award, in 2011; and
WHEREAS, Allen was honored by his peers by being inducted into the Nebraska Journalism Hall of Fame in 2018; and
WHEREAS, Allen's activities have included four summers as Camp Director of Camp Cedars Boy Scout Camp near Fremont, Nebraska, serving as a Camp Director of the National Boy Scout Jamboree, serving as a newscaster and disc jockey for KHUB Radio in Fremont, and participating in professional water skiing and public speaking; and
WHEREAS, Allen has been coordinating and hosting tours of the USS Nebraska for 25 years; and
WHEREAS, Allen fulfilled his endeavor to always be an ambassador of goodwill on behalf of Nebraska and Nebraskans as a very kind, thoughtful, caring, generous, respected, and ethical leader; and
WHEREAS, Allen and his wife, Linda, were married on May 23, 1971, and they have two children, Matthew Allen and John William, as well as one grandson, Isaac Allen; and
WHEREAS, Allen Beermann will retire from the Nebraska Press Association after 25 years serving as the Executive Director.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Allen J. Beermann on his many accomplishments over his outstanding career.
2. That the Legislature recognizes Allen J. Beermann for his many years of public service and thanks Allen for his lifelong contributions to the State of Nebraska.
3. That a copy of this resolution be sent to Allen J. Beermann.

Laid over.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 12, 2020, 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
Adler, Joseph
    Holland Children's Movement
Alston, Garth R.
    Altria Client Services LLC and its Affiliates
Amack, Angela K.
    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 (NPFFA)
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!
Vigilnet America LLC
Windstream Communications
YMCA's of Nebraska
Antonello, Dustin
Lincoln Independent Business Association (LIBA)
Ashford, Brad
Houghton Bradford Whitted PC, LLO
Baier, Richard J.
Nebraska Bankers Association
Baird Holm LLP
Allstate Insurance
BHE Renewables, LLC
Geronimo Energy, LLC
Lyft, Inc.
Moran's Liquor Works, LLC
MTM Inc.
Nebraska Craft Brewers Guild
Nebraska/Dakotas Chapter of the American Society of Landscape Architects
SunVest Solar, Inc.
The Energy Studio, Inc.
TSYS
Westervelt Ecological Services
Barrett, John R.
Great Plains Communications, Inc.
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, Robert
Nebraska Insurance Federation
Benjamin, Melody
Nebraska Cattlemen, Inc.
Benson, Jenni
Nebraska State Education Association
Bish, Jacob
Hemp Harvest Works
Blake, Jeremiah
Charter Communications, Inc.
Block, Kristi
Nebraska Grain and Feed Association
Boddy, Heath
Licensed Practical Nurse Association of Nebraska (LPNAN)
Nebraska Health Care Association, Inc.
Bohrer, Bruce J.
Lincoln Chamber of Commerce
Bolen, Holley
Nebraska Strategies
Boschult, Mary
League of Women Voters of Lincoln and Lancaster County
Bowling, Karen
Nebraska Family Alliance
Bracht, David L.
Catalyst Public Affairs
Brady, Justin J.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
National Guard Association of Nebraska
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
Bredenkamp, Troy
Renewable Fuels Nebraska
Bromm Nielsen & Mines
3M COMPANY
Aflac
AHIP - America's Health Insurance Plans
Cameco Resources
Cargill
Douglas County West Community Schools
Education Service Unit #3
Educational Service Unit Coordinating Council
Johnson & Johnson Services, Inc.
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
Papio Valley Preservation Association, Inc.
Prime Therapeutics, LLC
Springfield Platteview Community Schools
State Farm Insurance Companies
Syngenta
Vapor Technology Association
Verizon Communications, Inc.
Bromm, Curt
  Bromm Nielsen & Mines
Bromm, Jason
  Bromm Nielsen & Mines
Brunkhorst, Kelly
  Nebraska Corn Growers Association
Buettner, Jeffrey J.
  Central Nebraska Public Power and Irrigation
Cannon, Jonathan
  Nebraska Association of County Officials
Carstenson, Eric B.
  Nebraska Telecommunications Association
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 Health Information Initiative, Inc.
  Nebraska Intergovernmental Risk Management Association
  Nebraska State Historical Society Foundation
  NextEra Energy Resources, LLC
  Papillion - La Vista School District
  Papio-Missouri River Natural Resources District
  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
Chaffin, Lash
League of Nebraska Municipalities
Cheloha, John A.
City of Omaha
Christensen, Graham
GC Resolve, LLC
GC ReVOLT, LLC
Coash, Colby
Nebraska Association of School Boards
Cole, Jeff
Nebraska Children and Families Foundation
Conrad, Danielle
ACLU Nebraska
Cooley, Bethanne
CTIA - The Wireless Association
Couture-Lovelady, Travis
National Rifle Association
Cover, Joni
Nebraska Pharmacists Association
CP Strategies LLC
American Federation for Children
Nebraska Petroleum Producers Association
Nebraska Total Care
PACE Sage Capital, LLC
T-Mobile
Creager, Jennifer
Greater Omaha Chamber
Curry Grubb, Andi
Planned Parenthood North Central States
Danielson, Jeff
American Wind Energy Association
Decamp, Suzan
AARP Nebraska
DeLong, Danny
AARP Nebraska
Dentlinger, Courtney
Nebraska Public Power District
Devitt, Michelle
Heartland Workers Center
Dibbern, Chris
Nebraska Municipal Power Pool
Dix, Larry J.
Nebraska Association of County Officials
Dobler, James B.
Professional Insurance Agents of Nebraska
Douglas, Eric
Prime Therapeutics, LLC
Dozier, James
The National Council for Behavioral Health
Dubas, Annette
Nebraska Association of Behavioral Health Organizations
Dukeshrer, James
Nebraska Rural Electric Association
Dulaney, Michael S.
Nebraska Council of School Administrators
Dunning, Eric
Blue Cross and Blue Shield of Nebraska
Duren, Todd J.
Loup River Public Power District
Eckert, Zachary S.
Excellence in Education National, Inc., d/b/a Excellence in Education in Action
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
Fairbairn, Kyle
Greater Nebraska Schools Association
Falk, W. Jarad
Charter Communications, Inc.
Faustman, Nicholas
American Cancer Society Cancer Action Network
Feagler, Mike
Nebraska Hospital Association
Feichtinger, Erin
Together Inc. of Metropolitan Omaha
Feldman, Michelle
Innocence Project, The
Fellers, Trent
Windstream Communications
Fennell, Madaline
Nebraska State Education Association
Ferrell, Beth Bazyn
Nebraska Association of County Officials
Feser, Adam
First Five Nebraska
Fish, Ashlee  
   Nebraska Health Care Association, Inc.
Forbes, Meagan  
   Institute for Justice
Forrest, Sarah  
   Nebraska Alliance of Child Advocacy Centers
Fox, Nicole  
   Platte Institute for Economic Research
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer  
   Mutual of Omaha
Frevert, Ashley  
   Community Action of Nebraska
Fry, Renee  
   OpenSky Policy Institute
Garcia, Lauren  
   Nebraska Catholic Conference
Gay, Tim  
   Catalyst Public Affairs  
   Kutak Rock LLP
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 Gilbertson & Brady
Giles, Jo  
   Coalition for a Strong Nebraska
Godinez, Rosangela  
   ACLU Nebraska
Gokie, Mark T.  
   Farmers Mutual of Nebraska
Gottschalk, Kristen  
   Nebraska Rural Electric Association
Gould, John 'Jack'  
   Common Cause Nebraska
Grasz, Nate  
   Nebraska Family Alliance
Gray, Jonathan  
   Enel North America, Inc.
Grisham, Kent  
   Nebraska Trucking Association
Grotrian, James
Catalyst Public Affairs
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.
Harbeke, Dan
  Google LLC
Harding, Mariel
  United Way of the Midlands
Harr, Burke
  Houghton Bradford Whitted PC, LLO
Harris, Jasmine
  RISE
Harvey, William F.
  EHPV Lottery Services LLC aka Big Red Keno
  Vigilnet America LLC
Hassebrook, Kristen
  Nebraska Chamber of Commerce & Industry
Hayes, Jason W.
  Nebraska State Education Association
Head, Craig J.
  Nebraska Farm Bureau Federation
Heartland Strategy Group, LLC
  Consumer Technology Association
  Nebraska Occupational Therapy 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
Hilton, Felicia
  North Central States Regional Council of Carpenters
Hilton, Mary
  Smart Approaches to Marijuana Nebraska
Hladik, Johnathan
Center for Rural Affairs

Holmes, Amy
Women's Center for Advancement

Holmquist, David
AARP Nebraska

Honan, Scott
NioCorp

Hruza, Timothy
Mueller Robak, LLC

Husch Blackwell LLP
American Progressive Bag Alliance
Nebraska Chiropractic Physicians Association

Husch Blackwell Strategies
4 Lanes 4 Nebraska
AutoReturn
Blue Cross and Blue Shield of Nebraska
Enhanced Capital
Facebook
Great Plains Communications, Inc.
Hawkins Construction
JUUL Labs Inc.
Lindsay Corporation
Nucor Corporation
OpenSky Policy Institute
Paige Wireless
Rave Mobile Safety
Turo
Waste Management, Inc.

Idoux, John
CenturyLink

Irsik, Ryan
Walmart, Inc.

Isaacs Tse, Julia
Voices for Children in Nebraska

Jacobson, Mary
Nebraska Strategies

Jarecke, Kate Kulesher
Sandoz

Jensen Rogert Associates, Inc.
Altria Client Services LLC and its Affiliates
American Massage Therapy Association, Nebraska Chapter
Associated Builders and Contractors, Inc.
AT&T, Inc.
Eli Lilly and Company
Impossible Foods, Inc.
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 Gilbertson & Brady
Statewide Property Owners' Association
Trilogy Integrated Resources, LLC
Wine Institute
Joekel, Tiffany
Women's Fund of Greater Omaha, Inc.
Juhnke, Alan R.
Nebraska Pork Producers Association
Karges, Casey
Nebraska Mediation Association
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
Iowa-Nebraska Equipment Dealers Association
MillerCoors, LLC
Nebraska AirBoat Association
Nebraska Auctioneers Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Independent Auto Dealers Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
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
Buildertrend Solutions, 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 Cooperative Council
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. and Its Subsidiaries
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
Enbridge (U.S.) Inc. (Formerly Spectra Energy)
Insurance Auto Auctions, Inc.
Lancaster County Board of Commissioners
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
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  
Klude, Anne M. N.  
Associated Builders and Contractors, Inc.  
Knoche, Connie  
OpenSky Policy Institute  
Kohls, Ashley  
Nebraska Cattlemen, Inc.  
Kohout, Joseph D.  
Kissel Kohout ES Associates, LLC  
Kolterman, Jessica A.  
Lincoln Premium Poultry  
Koops, Berend  
Merck Sharp and Dohme Corp.  
Krannawitter, Brian  
American Heart Association  
Kruse Company  
Nebraska Alliance for Family and Child Service Providers  
Nebraska Association for the Gifted  
Neilan Strategy Group  
RAI Services Co. (Reynolds American Inc.)  
Kubat, Rick  
Metropolitan Utilities District  
Lassen, Robert  
AARP Nebraska  
Lawrence, Katherine  
ACT, Inc.  
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  
Lofquist, Kraig  
Educational Service Unit Coordinating Council  
Lombardi, Richard A.  
American Communications, Inc.  
Loontjer, Pat  
Gambling with the Good Life  
Lostroh, David L.  
Nebraska Christian Home Educators Association  
Luebbe, Lori  
Nebraska Soybean Association  
Luetkenhaus, Brandon
Nebraska Credit Union League
Lyons, Liz
Children's Hospital & Medical Center
MacDonald, Blair E.
O'Hara Lindsay & Associates, Inc.
MacTaggart, Christon
Women's Fund of Greater Omaha, Inc.
Malik, Meghan
Women's Fund of Greater Omaha, Inc.
Malkov, Anaya
Amazon.com Services, Inc.
Mallett, Rochelle
Husch Blackwell Strategies LLC
Martin, George E.
Baird Holm LLP
Martin, Stephen
We Support Agriculture
Martin, Susan L.
Nebraska State AFL-CIO
Matulka, Mark
Mosaic
McBride, David S.
Nebraska Optometric Association
McClure, Jeanne
American Council of Engineering Companies/Nebraska
McClure, John C.
Nebraska Public Power District
McClymont, Pete
Nebraska Cattlemen, Inc.
McDonald, Edison
Arc of Nebraska, The
GC Resolve, LLC
GC ReVOLT, LLC
McDonald, Vickie
Nebraska Association of Former State Legislators
McGowan, Kyle
Nebraska Council of School Administrators
McIntosh, Ryan
Brandt, Horan, Hallstrom and Stilmock
McLaren, Jay
Medica
Mello, Heath
University of Nebraska
Melotz, Shawn
Papio Valley Preservation Association, Inc.
Menzel, Elaine
Nebraska Association of County Officials
Meredith, Candace
Nebraska Association of County Officials
Meurrens, Bradley
Disability Rights Nebraska
Mick, Ansley
Nebraska Farm Bureau Federation
Mikkelsen, Brian
Nebraska State Education Association
Mikolajczyk, Megan N.
Planned Parenthood North Central States
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
Moulton, MaryLee
League of Women Voters of Nebraska
Mueller Robak
American College of Surgeons, Nebraska Chapter
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Duncan Aviation, Inc.
Eastern Nebraska Development Council
First Data Corporation
GlaxoSmithKline
Google LLC
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
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 Medical Association
Nebraska Methodist Health Systems
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraska Winery and Grape Growers Association (NWGGA)
PayPal
Pharmaceutical Research and Manufacturers of America
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
Neal, John P.
   Lincoln Public Schools
Nebraska Strategies
   Bayer
   Consumer Data Industry Association
   Johnson Controls, Inc.
   Lincoln Premium Poultry
   Mark Anthony Brands
   Nebraska Licensed Beverage Association
   Tesla, Inc.
   U.S. Cellular
   USIC
Neilan Strategy Group
   Tenaska
   Wireless Infrastructure Association c/o MultiState Associates Inc.
Neilan, Perre S.
   Neilan Strategy Group
Neiles-Brasch, Megan
   Omaha Public Schools
Nelson, Stephen D.
   Nebraska Farm Bureau Federation
Neville, Brennan S.
   National Indemnity Company
Nickerson, Jocelyn S.
   Humane Society of the United States, The
Nielsen, Coleen J.
   Bromm Nielsen & Mines
Nolan, James
   Mutual of Omaha
Norby, Scott J.
   Nebraska State Education Association
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 Public Power District
Union Pacific Railroad
US Assets, LLC
Winners Marketing, Inc.
O’Brien, Kelli Erin
Union Pacific Railroad
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
Council of Independent Nebraska Colleges
First National of Nebraska, Inc.
Francis EVC, LLC
Greater Nebraska Cities
Institute of Scrap Recycling Industries, Upper Mid-West 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
Pace-O-Matic
Parkinson's Nebraska
Saint Francis Ministries
Self Storage Association
Spin
Winnebago Tribe of Nebraska
O'Hara, Michael J.
   Cavanaugh & Associates, P.C., L.L.O.
Omey, Samantha
   Exxon Mobil Corporation
Onley, Mark
   The Good Food Institute, Inc.
Orr, Scott
   FMR LLC
Orton, Leroy W.
   Nebraska Onsite Waste Water Association
   Nebraska State Irrigation Association
   Nebraska Well Drillers Association
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 Gilbertson & Brady
Paden, Nicholas K.
   Rembolt Ludtke, LLP
Parr, Ann L.
   Farmers Mutual of Nebraska
Peetz & Company
   Advocates for Behavioral Health
   CHI Health
   Children's Hospital & Medical Center
   Cox Communications
   Durham Museum
   Enel North America, Inc.
   First Five Nebraska
Imagine Nebraska Coalition
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Beef Producers
Nebraska Nurse Practitioners
Nebraska Trucking Association
Nebraskans for Responsible Lending
Oath and Other Various Subsidiaries
Omaha Zoological Society
Quality Living, Inc.
School Employees' Retirement System of Douglas County School District 1
Tenaska
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
Ponce Lage, Laurie
Coalition for a Strong Nebraska
Potter, Cara E.
WellCare Health Plans, Inc. and Its Subsidiaries
Potter, Tim
AARP Nebraska
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 Gilbertson & Brady
Father Flanagan's Boys' Home
Advance America c/o MultiState Associates, Inc.
Altria Client Services LLC and its Affiliates
American Property Casualty Insurance Association (APCIA)
Bellevue Public Schools
Enterprise Rent-A-Car
Farm Credit Services of America
Friends of Nebraska Parks
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Housing Policy Network
Hy-Vee
Imagine Nebraska Coalition
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Medica
Metropolitan Community College
Motion Picture Association, Inc.
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 New Car & Truck Dealers Association
Nebraska Optometric Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
Pinnacle Bank
Speedway Motors, Inc.
Tyson Foods, Inc.
Woodmen of the World Life Insurance Society and Subordinate Entities
Ragland, Jina
AARP Nebraska
Redoutey, Laura J.
Nebraska Hospital Association
Reece, Kaitlin
Catalyst Public Affairs
Rembolt Ludtke, LLP
American Society of Composers, Authors & Publishers
Nebraska Defense Counsel Association
Nebraska Library Association
Nebraska Rural Telecommunications Coalition
Nebraska Transportation Association
Nebraska Travel Association (NETA)
NorthWestern Energy
United Healthcare Services, Inc.
Waste Connections of Nebraska, Inc.
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
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
Rogert, Kent	Jensen Rogert Associates, Inc.
Roque, Matthew	ProRail Nebraska, Inc.
Rubin, Barry R.	Heartland Strategy Group, LLC
Sahling-Zart, Shelley R.	Lincoln Electric System
Sanaie, Kandice	Cigna Corporate Services LLC
Sanford, Robert A.	Nebraska Domestic Violence Sexual Assault Coalition
Schaefer, Matthew T.	Mueller Robak, LLC
Schilz, Kenneth	Bruning Law Group
Schmit-Albin, Julie	Nebraska Right to Life
Schneider, David	Convention of States Action
Schrader, Cora	Peetz & Company
Schrodt, Dexter	Nebraska Medical Association
Scott, Randi K.	O'Hara Lindsay & Associates, Inc.
Sedlacek, Ronald J.	Husch Blackwell LLP
Husch Blackwell Strategies LLC
Nebraska Chamber of Commerce & Industry
Seelhoff, Janet  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Home Care Association  
Segal, Kate  
Biogen  
Shelburn, Jessica  
Americans for Prosperity  
Siefken, Kathy  
Nebraska Grocery Industry Association  
SHAZAM  
Silke, Vanessa  
Baird Holm LLP  
Slattery, David  
C. David Slattery, Office of  
Nebraska Hospital Association  
Slone, Bryan  
Nebraska Chamber of Commerce & Industry  
Smith, Morgan  
Tri-State Generation and Transmission Association  
Spady, Robin  
Nebraska Municipal Power Pool  
Spatz, John  
Nebraska Association of School Boards  
Spohn, Katherine J.  
Nebraska Strategies  
Stahly, Dee Ann  
Dexcom, Inc.  
Stembridge, Kurt  
Greenwich Biosciences, Inc. (Withdrawn 01/03/2020)  
Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock  
Streetman, Terrance  
Alzheimer's Association  
Stubbendieck, Todd  
AARP Nebraska  
Sullivan, J. Scott  
Nebraska Credit Union League  
Summers, Juliet  
Voices for Children in Nebraska  
Sundquist, Joni  
Nebraska Society of Certified Public Accountants  
Swatsworth, Abby  
Outline  
Synhorst, Bud  
Lincoln Independent Business Association (LIBA)  
Szabo, Carl  
NetChoice  
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
Trocinski, Carol A.
United Healthcare Services, Inc.
Valenti, John
Sanofi US
Valentin, Michaela
Omaha Public Power District
Vaughan, Dustin
Husch Blackwell Strategies LLC
Venzor, Tom
Nebraska Catholic Conference
Voyles, Seth
Omaha Public Power District
Wagner, Chris
Project Extra Mile
Waldron, Kelsey
Women's Fund of Greater Omaha, Inc.
Walker, Sarah
Secure Democracy
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
Welding, Nicholas J.
Nebraska State Education Association
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
Wininger, Dwight
   ALLO Communications
Woeppel, 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 Services, Inc.
Zulkoski Weber LLC
   American Federation for Children
   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 Nutrition and Dietetics
   Nebraska Academy of Physician Assistants
   Nebraska Association of Resources Districts
   Nebraska Beef Producers
   Nebraska Broadband Coalition
   Nebraska County Attorneys Association
   Nebraska Domestic Violence Sexual Assault Coalition
   Nebraska Economic Developers Association
   Nebraska Emergency Medical Services Association
   Nebraska Fuel Retailers
   Nebraska Hospital Association
   Nebraska Independent Community Bankers
   Nebraska Veterinary Medical Association
   Nelnet, Inc.
   Renewable Fuels Nebraska
   Secure Democracy
   Viaero Wireless
   Women's Fund of Greater Omaha, Inc.
Zulkoski, Katie W.
   Zulkoski Weber LLC
Senator Wayne offered his motion, MO38, found on page 1006, First Session, 2019, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 294. Introduced by Kolowski, 31; Bolz, 29; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; Hunt, 8; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Wishart, 27.

WHEREAS, according to a warning published on November 5, 2019, about the effects of climate change, signed and supported by over eleven thousand scientists, the climate crisis "is more severe than anticipated, threatening natural ecosystems and the fate of humanity." Later on in the statement the scientists wrote that "climate change reactions could cause significant disruptions to ecosystems, society, and economies, potentially making large areas of Earth uninhabitable" and that because of the climate crisis, humanity could face "untold suffering"; and

WHEREAS, the United States Environmental Protection Agency states that intense weather phenomena, including large storms and heat waves, are likely to occur more frequently because of the climate and ecological crisis. Major storms can lead to loss of property and both storms and heat waves can cause death; and

WHEREAS, the Fourth National Climate Assessment says that over time these heat waves increase drought and wildfire risks. Heat waves and droughts have depleted water supplies, which has contributed to over ten billion dollars in losses for the agriculture sector; and

WHEREAS, according to the Union of Concerned Scientists, many forests are burning because of changes in temperature, precipitation levels, and soil moisture due to global warming. Hotter temperatures in the spring and summer, and the fact that snow is melting earlier in the spring, are likely to cause a longer wildfire season and cause wildfires to be more intense and burn for longer; and

WHEREAS, according to the National Centers for Environmental Information, which is part of the National Oceanic and Atmospheric Administration, there were eleven major wildfires between 2000 and 2017 in the United States of America. In that eighteen-year period, both the number of deaths and the financial damage caused by each wildfire dramatically increased. In the first wildfire of 2000, no one died, and the cost was $1.6 billion. In the last wildfire of 2017, fifty-four people died, and the cost was $18.7 billion; and

WHEREAS, the Fourth National Climate Assessment also states that flooding might increase across the United States of America, including in
areas where precipitation is expected to decrease. All flood types, including flash flooding, urban flooding, river flooding, and coastal flooding are, to different degrees, affected by the climate. The risks from future floods are very major; and

WHEREAS, according to the National Oceanic and Atmospheric Administration, sea levels are rising at a rate of about one-eighth of an inch per year. The two major causes of rising global sea levels are oceanic expansions due to the warming of oceans and increased melting of glaciers and ice sheets. The oceans are absorbing about ninety percent of the increased atmospheric heat that results from human emissions. The National Oceanic and Atmospheric Administration goes on to state that "with continued ocean and atmospheric warming, sea levels will likely rise for many centuries at rates higher than that of the current century"; and

WHEREAS, higher sea levels cause deadly and destructive storm surges to push farther inland, which means there will be more nuisance flooding, which is estimated to be three hundred to nine hundred percent more frequent in United States coastal communities than it was fifty years ago. Nearly forty percent of the United States' population lives in such coastal communities. Eight out of the ten largest cities in the world are close to a coast according to the U.N. Atlas of the Oceans; and

WHEREAS, according to a 2014 report published by the Intergovernmental Panel on Climate Change, animals have an increased risk of extinction because of the climate crisis; and

WHEREAS, a report done by the University of Nebraska-Lincoln concluded that disruptions in the climate have decreased agricultural yields in Nebraska over the last forty years and are predicted to decrease agricultural yields significantly over the next twenty-five years; and

WHEREAS, the State of Nebraska has contributed to the climate crisis but has done little to nothing to slow the effects.

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

1. That the Legislature acknowledges that we are in the midst of an anthropogenic climate and ecological crisis.
2. That the Legislature has a moral obligation to take steps to combat the climate and ecological crisis.
3. That a copy of this resolution be sent to Prairie Hill Learning Center.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR294 was referred to the Reference Committee.
NOTICE OF COMMITTEE HEARING(S)
Urban Affairs
Room 1510

Tuesday, January 21, 2020 1:30 p.m.
LB821
LB885
LB795
LB796
LB799

(Signed) Justin Wayne, Chairperson
Nebraska Retirement Systems
Room 1510

Monday, January 27, 2020 8:30 a.m.
Allen Simpson - Public Employees Retirement Board
Kelli M. Ackerman - Public Employees Retirement Board
Michael D. Jahnke - Public Employees Retirement Board
John M. Dinkel - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB147:
AM2078
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, Revised Statutes Supplement, 2019, 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 referral to restorative justice practices or services, rearrangement of
16 schedules, requirements that a student remain in school after regular
17 hours to do additional work, restriction of extracurricular activity, or
18 requirements that a student receive counseling, psychological evaluation,
19 or psychiatric evaluation upon the written consent of a parent or
20 guardian to such counseling or evaluation.  
21 Sec. 3, Section 79-259, Reissue Revised Statutes of Nebraska, is  
22 amended to read:  
23 79-259 If a student is removed, suspended, expelled, or excluded  
24 from school or from any educational function pursuant to the Student  
25 Discipline Act, such absence from school shall not be deemed a violation  
26 on the part of any person under any compulsory school attendance  
27 statutes. Any suspension or expulsion under the act shall comply with the  
1 requirements of the Special Education Act and the requirements of the  
2 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.  
3  
4 Sec. 4. (1) Administrative, teaching, and other school personnel  
5 may use reasonable physical contact to protect a student, school  
6 personnel, or another person from imminent physical injury;  
7 (2) Reasonable physical contact shall only be used for as long as  
8 necessary to protect the student, school personnel, or other person from  
9 imminent physical injury. Reasonable physical contact does not include  
10 physical contact that:  
11 (a) Is intended to cause pain;  
12 (b) Places a student in a prone restraint, which means restraint in  
13 which a student is placed on the ground in a face-down position; or  
14 (c) Involves any mechanical restraint.  
15 (3) Each school district shall adopt a policy regarding the use of  
16 physical contact pursuant to this section, including training  
17 requirements relating to the use of reasonable physical contact.  
18 (4) Within twenty-four hours following the use of any physical  
19 contact pursuant to this section, school personnel shall contact the  
20 parent or guardian of the student and notify the parent or guardian of  
21 the use of such physical contact.  
22 (5)(a) No administrative, teaching, or other school personnel shall  
23 be subject to professional or administrative discipline or be held liable  
24 for harm caused by an act or omission of any administrative, teaching, or  
25 other school personnel relating to the use of reasonable physical contact  
26 pursuant to this section unless the harm was caused by (i) gross  
27 negligence, (ii) a conscious, flagrant indifference to the rights or  
28 safety of the individual who was harmed, or (iii) willful, criminal, or  
29 reckless misconduct, including misconduct (A) that constitutes a crime of  
30 violence, as defined by 18 U.S.C. 16, as such section existed on January  
31 2020, (B) that involves a sexual offense listed in subdivision (1)(a)  
32 (i) of section 29-4003, (C) for which the defendant has been found to  
33 have violated a federal or state civil rights law, or (D) that occurred  
34 while the defendant was under the influence of alcoholic liquor or drugs.  
35 (b) Nothing in this section shall be construed to limit any defense  
36 that may be available under any other provision of law, including, but  
37 not limited to, any defense relating to self-protection or the protection  
38 of others.  
8 Sec. 5. (1) An administrator or administrator's designee shall  
9 immediately remove a student from a class upon request by a teacher or  
10 other school personnel if such teacher or other school personnel has (a)  
11 followed school policy in requesting the removal of such student and (b)  
12 such student's behavior is so unruly, disruptive, or abusive that it  
13 seriously interferes with the learning environment and the opportunity  
14 for other students in the class to learn.  
15 (2) Removal shall mean the exclusion of a student from a class for a  
16 period not to extend beyond the end of the school day during which such  
17 exclusion occurred, unless such student is otherwise suspended, expelled,  
18 or excluded from school or any educational function pursuant to the  
19 Student Discipline Act.  
20 (3) Any removal pursuant to this section shall comply with the  
21 requirements of the federal Individuals with Disabilities Education Act,
22 20 U.S.C. 1400 et seq., any applicable Individualized Education Plan
23 established pursuant to the Individuals with Disabilities Education Act,
24 and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
25 acts existed on January 1, 2020, and any other applicable state or
26 federal law.
27 (3) When a student is removed from a class, the goal shall be to
28 return the student to the class as soon as possible after appropriate
29 instructional or behavioral interventions or supports have been
30 implemented to increase the likelihood the student will be successful.
31 For students with patterns of disruptive behavior, schools shall provide:
32 additional interventions or supports. After a student has been removed
33 for a cumulative amount of time equivalent to five school days in a
34 school year, the due process protections for long-term suspensions shall
35 apply.
36 (5) Each school district shall adopt a policy that describes the
37 process for removing a student from a class and for returning a student
38 to a class. Such policy shall: (a) Describe how and when a student may be
39 removed from a class and returned to a class; (b) use a discipline
40 process that is proactive, instructive, and restorative; (c) require
41 appropriate communication between administrators, teachers, students, and
42 parents or guardians, including notification of a parent or guardian
43 following the removal of a student from a class; and (d) allow a teacher
44 to have, upon request, a conference with the principal and a parent or
45 guardian of a student who was removed from class at the request of such
46 teacher. Such policy shall be made available to the public.
47 (6) Administrative, teaching, and other school personnel shall not
48 be subject to professional or administrative discipline for having a
49 student removed from a class pursuant to this section if such
50 administrative, teaching, or other school personnel acted in accordance
51 with the policy adopted pursuant to subsection (5) of this section.
52 Sec. 6. This act becomes operative on January 1, 2021.
53 Sec. 7. Original sections 79-254 and 79-259, Reissue Revised
54 Statutes of Nebraska, and section 79-258, Revised Statutes Supplement,
55 2019, are repealed.

Senator Walz filed the following amendment to LB147:
AM2086
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 3 and 4 of this act
6 shall be known and may be cited as the Student Discipline Act.
7 Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, 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 intervention, counseling of students, parent conferences,
15 referral to restorative justice practices or services, rearrangement of
16 schedules, requirements that a student remain in school after regular
17 hours to do additional work, restriction of extracurricular activity, or
18 requirements that a student receive counseling, psychological evaluation,
19 or psychiatric evaluation upon the written consent of a parent or
20 guardian to such counseling or evaluation.
21 Sec. 3. (1) Unless prohibited by the federal Individuals with
22 Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed
23 pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794,
as such acts existed on January 1, 2020, after every reasonable effort
has been made to de-escalate a potentially harmful situation, teachers
and other school personnel may use reasonable physical intervention to
safely manage the behavior of a student to:
(a) Protect such student, another student, a teacher or other school
personnel, or another person from physical injury; or
(b) Secure property in the possession of such student if the
possession of such property by such student poses a threat of physical
injury to such student, another student, a teacher or other school
personnel, or another person.
(2) Prone restraint as a form of physical intervention shall only be
used as a last resort. In the event that prone restraint is used, every
reasonable effort shall be made to change to a different restraint
position in a timely manner. Prone restraint means any manual method,
physical or mechanical device, material, or equipment that immobilizes or
reduces the ability of an individual to move freely in either a face-up
or face-down position.
(3) Any physical intervention used by a teacher or other school
personnel pursuant to this section shall not be used for the purpose of
inflicting bodily pain as a penalty for disapproved behavior.
(4) Following the use of physical intervention pursuant to this
section, a teacher or other school personnel shall contact and notify the
parent or guardian of the use of physical intervention. The school
district shall submit a written report to the State Department of
Education describing the incident, the events leading up to the incident,
steps that were taken to de-escalate the situation, and how the incident
was resolved.
(5) No teacher or other school personnel shall be subject to
professional or administrative discipline and no teacher, other school
personnel, or school district shall be criminally or civilly liable for
the use of physical intervention pursuant to subdivision (1)(a) or (b) of
this section if such physical intervention was reasonable. Nothing in
this section shall be construed to limit any defense that may be
available under any provision of law, including, but not limited to, any
defense relating to self-protection or the protection of others.
Sec. 4. (1) Each school district shall have a policy that describes
the process of removing a student from a class and returning a student to
a class. Such policy shall: (a) Describe how and when a student may be
removed from a class and returned to a class; (b) use a discipline
process that is proactive, instructive, and restorative; (c) require
appropriate communication between administrators, teachers or other
school personnel, students, and parents or guardians. Such policy shall
be made available to the public.
(2) Unless prohibited by the federal Individuals with Disabilities
Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
acts existed on January 1, 2020, an administrator or administrator's
designee shall immediately remove a student from a class upon request by
a teacher or other school personnel if such teacher or other school
personnel has followed school policy in requesting the removal of such
student.
(3) When a student is removed from a class, the goal must be to
return the student to the class as soon as possible after appropriate
instructional or behavioral interventions or supports have been
implemented to increase the likelihood the student will be successful.
For a student with a pattern of disruptive behavior, the school shall
provide additional interventions or supports.
(4) No teacher or other school personnel shall be subject to
professional or administrative discipline, and no teacher, other school
personnel, or school district shall be criminally or civilly liable for
26 the removal of a student from a class pursuant to this section if such
27 teacher or other school personnel acted in a reasonable manner and in
28 accordance with school policy.
29 Sec. 3. The State Board of Education may adopt and promulgate rules
30 and regulations to carry out sections 3 and 4 of this act.
31 Sec. 6. Section 4 of this act becomes operative on August 1, 2020.
1 The other sections of this act become operative on their effective date.
2 Sec. 7. Original section 79-254, Reissue Revised Statutes of
3 Nebraska, and section 79-258, Revised Statutes Supplement, 2019, are
4 repealed.

Senator Cavanaugh filed the following amendment to **LB147**:
**AM2085**
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-1201, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-1201 Sections 79-1201 to 79-1249 and sections 2 to 7 of this act
6 shall be known and may be cited as the Educational Service Units Act.
7 Sec. 2. The Legislature finds that:
8 (1) Behavioral and mental health needs of students are frequently
9 identified in a school setting and affect the ability of teachers to
10 teach and the ability of students to learn.
11 (2) The findings of the Adverse Childhood Experiences Study
12 conducted by the federal Centers for Disease Control and Prevention make
13 clear that childhood experiences have a tremendous impact on lifelong
14 health, wellness, and opportunity;
15 (3) Superintendents, principals, and other school personnel in
16 Nebraska ranked the availability of people to provide behavioral and
17 mental health services as the number one support need for schools in
18 2017; and
19 (4) The creation of a collaborative school behavioral and mental
20 health program with initiatives in each of the educational service units
21 would provide schools with the needed support in the most efficient
22 manner in order to promote classroom learning and prevent student
23 involvement in the child welfare system or the juvenile justice system.
24 Sec. 3. (1) The Collaborative School Behavioral and Mental Health
25 Program is created. The goal of the program is to provide each
26 educational service unit with a social worker (a) to train teachers and
27 other school personnel and (b) to work with parents, schools, behavioral
28 and mental health care providers, and other community resources in order
29 to provide timely, effective, and family-centered services.
30 (2) At such time as the Collaborative School Behavioral and Mental
31 Health Fund reaches a balance of at least three million six hundred
32 thousand dollars, the Educational Service Unit Coordinating Council shall
33 begin implementation of the program pursuant to sections 2 to 7 of this
34 act. The program terminates on July 1, 2024.
35 (3) Three years after the program is implemented under subsection
36 (2) of this section, each educational service unit shall determine the
37 cost of the program in its service area. If the cost of the program for
38 an educational service unit exceeds the available funds for the
39 educational service unit, the program shall not continue in such service
40 area.
41 (4) Each initiative shall be a partnership between the Educational
42 Service Unit Coordinating Council, the educational service unit, and the
43 school systems within the educational service unit.
44 Sec. 4. (1) At such time as implementation begins under section 3
45 of this act, the Educational Service Unit Coordinating Council shall
46 administer the Collaborative School Behavioral and Mental Health Program,
47 including employing a coordinator for the program.
(2) As part of such administration, the Educational Service Unit Coordinating Council shall:

(a) Establish requirements for initiatives in each educational service unit to implement the program which include the components in section 6 of this act;

(b) Solicit annual program plans from each educational service unit and ensure that the plans meet initiative requirements;

(c) Identify evidence-based best practices in interventions for students and coordinate the delivery of evidence-based training to social workers and other school personnel on at least an annual basis;

(d) Complete an annual evaluation of the program in each educational service unit based on the number of students referred, assessed, or served, implementation of evidence-based practices, and improved health and academic outcomes for students, and

(e) Create and maintain a statewide map of behavioral and mental health services available in the state.

Sec. 5. To further the goal of the Collaborative School Behavioral and Mental Health Program stated in section 3 of this act, the Educational Service Unit Coordinating Council or an educational service unit may employ a social worker. If a social worker is so employed, each school system with which the social worker will interact shall designate a contact person for each school system in the educational service unit.

Such social worker may:

(1) Work to empower students, families, and school personnel to access available opportunities and resources to fully develop each student's potential;

(2) Administer evidence-based screening tools to identify students in need of services;

(3) Administer evidence-based assessment tools, if qualified, to assist in matching students with appropriate health care providers;

(4) Meet with school personnel, students, and families to facilitate behavioral or mental health care;

(5) Advocate for appropriate services for students and their families;

(6) Coordinate access to services provided by outside agencies to students within the educational setting;

(7) Maintain case files and reports to track problems and progress and recognize patterns in behavior; or

(8) Provide behavioral and mental health care training and support to school personnel and students;

Sec. 6. An educational service unit may develop an initiative for implementation of the Collaborative School Behavioral and Mental Health Program within the educational service unit with the following components:

(1) Agreements with specific referral sources, including, but not limited to, community behavioral and mental health care providers, nonprofits and other community resources to serve students, school systems within the educational service unit, and the Nebraska Family Helpline of the Department of Health and Human Services;

(2) Training for referral sources to recognize and refer students who could benefit from the program;

(3) Strategies to utilize available health insurance or the medical assistance program;

(4) At least one social worker who shall meet with families, assess needs, identify barriers to accessing services, and assist with making connections to resources that exist within the community;

(5) Plans for mapping services that benefit the well-being of struggling students within the communities in the educational service unit that are being served by the initiative; and

(6) Plans for collecting and submitting documentation of outcomes.
19 and for participation in evaluation activities as required by the
20 Educational Service Unit Coordinating Council.
21 Sec. 7. (1) The Collaborative School Behavioral and Mental Health
22 Fund is created for the purpose of implementing the Collaborative School
23 Behavioral and Mental Health Program. For budgetary purposes, the fund
24 shall be administered through the State Department of Education.
25 (2) The State Treasurer shall credit to the fund such money as is
26 donated as gifts, bequests, or other contributions to the fund from
27 private sources.
28 (3) The Legislature shall not appropriate or transfer money from the
29 fund for any purpose other than the purposes stated in this section,
30 except that the Legislature may appropriate or transfer money from the
31 fund upon a finding that such purposes are not being accomplished by the
13 fund.
24 (4) Any money in the 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 Sec. 8. Original section 79-1201, Reissue Revised Statutes of
6 Nebraska, is repealed.

Senator Vargas filed the following amendment to LB369:
AM2077
(Amendments to Standing Committee amendments, AM1126)
1 1. Insert the following new amendments:
2 1. On page 2, lines 12, 24, and 26; and page 3, lines 1, 17, 28, and
3 29, strike “2019” and insert “2020”.
4 2. On page 2, line 21; and page 3, line 26, after the period insert
5 “This section does not apply to agreements between public agencies,
6 including the United States Department of Homeland Security, relating to
7 investigating violations of and enforcing laws prohibiting human
8 trafficking.”.
9 2. Renumber the remaining amendment.

Senator Vargas filed the following amendment to LB147:
AM2087
1 1. On page 3, line 4, strike “(b)” and insert “(b)(i)”; in line 8
2 strike “(c)” and insert “(ii)”; in line 9 strike the period and insert “;
3 and
4 “(ii) Has complied with the notice and due process requirements of the
5 Student Discipline Act such that a removal from a classroom for less than
6 five school days has complied with the notice and due process
7 requirements that apply to a short-term suspension, a removal from a
8 classroom for more than five school days but less than twenty school days
9 has complied with the notice and due process requirements that apply to a
10 long-term suspension, and a removal from a classroom for twenty days or
11 more has complied with the notice and due process requirements that apply
12 to a one-semester expulsion.”; in line 12 after the second “or” insert
13 “shall” and after “suspend” insert “or expel”; in line 13 after “79-267”
14 insert “if the removal exceeds the remainder of the school day in which
15 it occurred”;
16 in line 15 strike “unless such return is” and insert
17 “except (a) as required by the Student Discipline Act and any code of
18 conduct for students adopted by the school district or (b) as”.

Senator Vargas filed the following amendment to LB147:
AM2088
1 1. On page 2, line 7, after “administrator” insert “who has received
2 training pursuant to subsection (6) of this section”; after line 28
3 insert the following new subsection:
4 *(6) Prior to any teacher or administrator using physical contact or
5 physical restraint to control a student, such teacher or administrator
6 shall receive training on prevention, de-escalation, and technical skills
7 concerning physical assistance, separation, evasion, and restraint
8 techniques. Such training shall include use of physical intervention only
9 as an emergency intervention to respond to an individual posing an
10 immediate danger to themselves or others.*

GENERAL FILE

LEGISLATIVE BILL 147. The Wayne motion, **MO38**, found on page
1006, First Session, 2019, and considered in this day's Journal, to
indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 938. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney
Act; to amend section 30-4019, Reissue Revised Statutes of Nebraska; to
provide immunity for reliance upon an acknowledged power of attorney as
prescribed; and to repeal the original section.

LEGISLATIVE BILL 939. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Collection Agency Act; to amend
sections 45-601, 45-602, 45-605, 45-606, 45-609, 45-610, 45-611, 45-620,
and 45-623, Reissue Revised Statutes of Nebraska; to authorize licensees
under the act to be licensed and registered through the Nationwide Mortgage
Licensing System and Registry; to define and redefine terms; to change
certain fee and license renewal provisions; to harmonize provisions; and to
repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
section 43-2,108.01, Revised Statutes Supplement, 2019; to change
provisions relating to sealing of juvenile records; and to repeal the original
section.

LEGISLATIVE BILL 941. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to infants and juveniles; to define terms; to
state intent; to create the Nebraska Youth in Care Bill of Rights; and to
provide powers and duties.
LEGISLATIVE BILL 942. Introduced by Hunt, 8.

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 Supplement, 2019; to provide for Support the Arts Plates; to create the Support the Arts Cash Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 943. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82‑312, 82‑313, and 82‑332, Reissue Revised Statutes of Nebraska; to provide powers and duties related to establishment and certification of creative districts and funding competitive grants; and to repeal the original sections.

LEGISLATIVE BILL 944. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 18‑1214, 60‑3,137, 60‑3,203, 60‑3,212, 66‑1406.02, 66‑1424, 75‑369.03, 75‑386, 75‑398, and 75‑399, Reissue Revised Statutes of Nebraska, sections 60‑3,205, 60‑4,113, and 60‑4,114, Revised Statutes Cumulative Supplement, 2018, and sections 60‑395, 60‑3,198, 60‑3,238, 60‑3,240, 60‑3,242, and 75‑392, Revised Statutes Supplement, 2019; to change provisions relating to certain motor vehicle fees imposed by cities and villages; to provide for a refund or credit of fees for a loss of possession due to natural disaster; to change provisions relating to the International Fuel Tax Agreement Act; to authorize temporary license stickers as prescribed; to eliminate provisions relating to certain replacement permanent plates; to provide for electronic delivery of an operator's license or state identification card and for a remote knowledge inquiry; to provide powers for the director relating to the unified carrier registration plan and agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to sexual assault; to require cities of the primary class and metropolitan class to make an annual report on the number of untested sexual assault evidence collection kits.

LEGISLATIVE BILL 946. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77‑2701.02, 77‑2701.36, 77‑2701.41, 77‑2704.26, 77‑2704.45, 77‑2713, 77‑27,132, and 77‑27,223, Reissue Revised Statutes of Nebraska, and sections 77‑2701, 77‑2701.04, 77‑2701.16, 77‑2701.32, 77‑2703, 77‑2703.01, and 77‑2711, Revised Statutes Supplement, 2019; to change the sales tax rate; to define and redefine terms; to impose sales and use taxes on additional services as prescribed; to harmonize provisions; to provide an
operative date; and to repeal the original sections.

LEGISLATIVE BILL 947. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,356, Revised Statutes Cumulative Supplement, 2018; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle; and to repeal the original section.

LEGISLATIVE BILL 948. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for mammography; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to insurance; to limit the cost of prescription insulin drugs; to provide a termination date; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 950. Introduced by Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 79-10,143 and 85-2104, Revised Statutes Cumulative Supplement, 2018; to change eligibility requirements for the Access College Early Scholarship Program Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to amend section 29-4603, Reissue Revised Statutes of Nebraska; to change requirements for recovery under the act; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Wishart, 27; Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Supplement, 2019; to provide for a new homestead exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Wishart, 27; Brewer, 43.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-625, Revised Statutes Cumulative Supplement, 2018; to prohibit certain public entities from charging a fee for adoption or purchases of a dog or cat by a veteran as prescribed; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 954. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to fees for dental services; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Walz, 15.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-914, Reissue Revised Statutes of Nebraska; to change provisions related to discontinued eligibility for or modification of medical assistance; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to provide duties for managed care organizations regarding provider agreements; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Walz, 15.

A BILL FOR AN ACT relating to cities of the first and second class; to amend section 17-105, Revised Statutes Cumulative Supplement, 2018, and section 16-401, Revised Statutes Supplement, 2019; to change provisions relating to quorum requirements for the city council; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 28-311.11, 28-1206, 42-924, 42-925, and 42-926, Revised Statutes Supplement, 2019; to change provisions relating to the possession or purchase of a firearm by any person convicted of a misdemeanor crime of domestic violence or subject to a harassment, sexual assault, or domestic abuse protection order; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 147. The Wayne motion, MO38, found on page 1006, First Session, 2019, and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Pending.
BILLS ON FIRST READING

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

LEGISLATIVE BILL 959. Introduced by Vargas, 7; Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to the habitual criminal enhancement; to define terms; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Municipal Proprietary Function Act; to amend section 18-2808, Reissue Revised Statutes of Nebraska; to change a provision relating to accounting of income and provide a requirement for use of proprietary function funds; and to repeal the original section.

LEGISLATIVE BILL 961. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 77-2703, Revised Statutes Supplement, 2019; to adopt the Peer-to-Peer Vehicle Sharing Program Act; to provide for collection of sales and use tax on certain vehicle rentals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Hunt, 8; Blood, 3; Brewer, 43; Crawford, 45; DeBoer, 10; Hansen, M., 26; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to postsecondary institutions; to amend sections 48-2610 and 48-2614, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Fair Pay to Play Act; to change the Nebraska Uniform Athlete Agents Act; to provide an operative date; to provide severability; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB147.
Senator Murman name added to LB147.
Senator Erdman name added to LB153.
Senator Murman name added to LB153.
Senator Clements name added to LB744.
Senator McDonnell name added to LB752.
Senator Briese name added to LB814.
Senator Dorn name added to LB814.
Senator Gragert name added to LB904.
Senator DeBoer name added to LB934.

VISITOR(S)

Visitors to the Chamber were a group from the Malcolm X Memorial Foundation from Omaha.

RECESS

At 12:07 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 Hilgers and Stinner who were excused; and Senators Bolz, Briese, Howard, and Pansing Brooks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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Senator M. Hansen filed the following amendment to LB147:

```plaintext
AM2069 (Amendments to Groene amendments, AM1803)
1 1. On page 2, line 10; and page 3, line 9, strike "criminally or".
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**GENERAL FILE**

**LEGISLATIVE BILL 153.** Title read. Considered.

Senator Brewer offered his amendment, AM2064, found on page 224.

Senator Brewer moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

The Brewer amendment was adopted with 45 ayes, 1 nay, and 3 excused and not voting.

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

Voting in the affirmative, 46:
Bills on First Reading

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

**LEGISLATIVE BILL 963.** Introduced by Brewer, 43; Geist, 25; Gragert, 40; Lowe, 37; McDonnell, 5; Wishart, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend section 71-7104, Reissue Revised Statutes of Nebraska, and section 48-101.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to personal injuries of first responders and frontline state employees; to provide a means of demonstrating a prima facie case of personal injury; to provide duties for the Critical Incident Stress Management Program and the Department of Health and Human Services; to require reimbursement for training as prescribed; to provide and eliminate definitions; and to repeal the original sections.

**LEGISLATIVE BILL 964.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Reissue Revised Statutes of Nebraska; to provide for an acknowledgment of maternity as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 965.** Introduced by McDonnell, 5.
A BILL FOR AN ACT relating to education; to establish a language assessment program for children who are deaf or hard of hearing as prescribed; to define terms; to provide duties for the Commission for the Deaf and Hard of Hearing; to provide for an advisory committee as prescribed; and to provide duties for and require submission of reports by the Commission for the Deaf and Hard of Hearing.

LEGISLATIVE BILL 966. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Wills Recognition Act (1977).

LEGISLATIVE BILL 967. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-2,137, Reissue Revised Statutes of Nebraska; to change provisions regarding bullying prevention and education; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 968. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-1,127, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska; to provide duties for the Board of Pardons related to hearings, a report, and decisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1926, Reissue Revised Statutes of Nebraska; to change provisions relating to video depositions of child victims and child witnesses; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to insurance; to limit the cost of prescription insulin drugs; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 971. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to gambling; to amend sections 9-411, 9-431, 9-507, 9-510, 9-607, and 9-803, Reissue Revised Statutes of Nebraska, and section 9-823, Revised Statutes Supplement, 2019; to redefine a lottery to include wagers made on the outcome of an authorized sporting event under the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the Nebraska County and City Lottery Act, and the State Lottery Act; to harmonize provisions; and to repeal the original sections.
CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bostelman 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.

NOTICE OF COMMITTEE HEARING(S)

Agriculture
Room 1524

Tuesday, January 21, 2020 1:30 p.m.
LB791
LB835

(Signed) Steve Halloran, Chairperson

GENERAL FILE

LEGISLATIVE BILL 287. Title read. Considered.

Committee AM386, found on page 568, First Session, 2019, was offered.

Senator Hughes offered the following amendment to the committee amendment:

AM2076  
(Amendments to Standing Committee amendments, AM386)

1 1. Insert the following new amendments:
2 1. Strike original sections 1, 2, and 16 and insert the following
3 new sections:
4 Section 1. Section 37-201, Revised Statutes Supplement, 2019, is
5 amended to read:
6 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and sections
7 3 and 4 of this act and the State Park System Construction Alternatives
8 Act shall be known and may be cited as the Game Law.
9 Sec. 2. Section 37-202, Revised Statutes Supplement, 2019, is
10 amended to read:
11 37-202 For purposes of the Game Law, unless the context otherwise
12 requires, the definitions found in sections 37-203 to 37-247.01 and
13 sections 3 and 4 of this act are used.
14 Sec. 16. Section 37-1214, Revised Statutes Supplement, 2019, is
15 amended to read:
16 37-1214 (1) Except as otherwise provided in section 37-1211, the
17 owner of each motorboat shall register such vessel or renew the
18 registration every three years as provided in section 37-1226. The owner
19 of such vessel shall file an initial application for a certificate of
20 number pursuant to section 37-1216 with a county treasurer on forms
21 approved and provided by the commission. The application shall be signed
22 by the owner of the vessel, shall contain the year manufactured, and
23 shall be accompanied by a registration fee for the three-year period of
24 twenty-eight not less than twenty dollars and not more than twenty-three
25 dollars for Class 1 boats, fifty-one not less than forty dollars and not
26 more than forty-six dollars for Class 2 boats, seventy-two not less than
1 sixty dollars and not more than sixty-seven dollars and fifty cents for
2 Class 3 boats, and not less than one hundred dollars and not more than
3 one hundred twenty-five dollars for Class 4 boats, as established by
4 the commission pursuant to section 37-327. Of each motorboat registration
fee, the owner of the motorboat shall also pay a fee established pursuant
5 to section 37-327 of not less than five dollars and not more than ten
6 dollars may be used for the Aquatic Invasive Species Program at the time
7 of registration or renewal.
9 (2) The owner of a motorboat not registered in Nebraska shall
10 purchase an aquatic invasive species stamp for the Aquatic Invasive
11 Species Program valid for one calendar year prior to launching into any
12 waters of the state. The cost of such one-year stamp shall be established
13 pursuant to section 37-327 and be not less than ten dollars and not more
14 than fifteen dollars plus an issuance fee pursuant to section 37-406.
15 Such one-year stamp may be purchased electronically or through any vendor
16 authorized by the commission to sell other permits and stamps issued
17 under the Game Law pursuant to section 37-406. The aquatic invasive
18 species stamp shall be permanently affixed on the starboard and rearward
19 side of the vessel. The proceeds from the sale of stamps shall be
20 remitted to the State Game Fund.
21 (3) This subsection applies beginning on an implementation date
22 designated by the Director of Motor Vehicles in cooperation with the
23 commission. The director shall designate an implementation date on or
24 before January 1, 2021, for motorboat registration. In addition to the
25 information required under subsection (1) of this section, the
26 application for registration shall contain (a)(i) the full legal name as
27 defined in section 60-468.01 of each owner or (ii) the name of each owner
28 as such name appears on the owner’s motor vehicle operator’s license or
29 state identification card and (b)(i) the motor vehicle operator's license
30 number or state identification card number of each owner, if applicable,
31 and one or more of the identification elements as listed in section
1 60-484 of each owner, if applicable, and (ii) if any owner is a business
2 entity, a nonprofit organization, an estate, a trust, or a church-
3 controlled organization, its tax identification number.
4 3. On page 18, line 29, strike "37-202,; in line 30 strike
5 "37-1214,"; and in line 31 strike "section" and insert "sections 37-201,
6 37-202, and 37-1214, Revised Statutes Supplement, 2019, are repealed.".
7 4. On page 19, strike line 1.
8 2. Renumber the remaining amendment accordingly.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Quick moved for a call of the house. The motion prevailed with 15
ays, 4 nays, and 30 not voting.

Senator Quick requested a roll call vote on the Hughes amendment, to the
committee amendment.

Voting in the affirmative, 29:
Voting in the negative, 11:

- Blood
- Erdman
- Halloran
- Murman

Present and not voting, 5:

- Briese
- La Grone
- Linehan
- Lowe
- Scheer

The Chair declared the call raised.

Committee AM386, as amended, was adopted with 28 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

Senator Hughes offered the following motion:

MO114
Recommit to the Natural Resources Committee.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**
Transportation and Telecommunications
Room 1113

Tuesday, January 21, 2020 1:30 p.m.

(Signed) Curt Friesen, Chairperson
ANNOUNCEMENT(S)

Priority designation(s) received:

Brewer - LB582

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB322:

**AM2082**

(AMendments to Standing Committee amendments, AM271)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1419, Revised Statutes Supplement, 2019, 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 electronic nicotine delivery systems, or alternative nicotine products,
8 to any person under nineteen years of age, is guilty of a Class III
9 misdemeanor for each 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 nineteen 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 nineteen years acting in accordance
26 with and under the authority of this subsection shall not be in violation
27 of section 28-1427.
2 Sec. 2. Section 28-1427, Revised Statutes Supplement, 2019, is
3 amended to read:
4 28-1427  Except as provided in subsection (2) of section 28-1419,
5 any person under the age of nineteen years who obtains cigars,
6 tobacco, cigarettes, cigarette material, electronic nicotine delivery
7 systems, or alternative nicotine products from a licensee by representing
8 that he or she is of the age of nineteen years or over is guilty of a
9 Class V misdemeanor.
10 Sec. 3. Original sections 28-1419 and 28-1427, Revised Statutes
11 Supplement, 2019, are repealed.

Senator Wayne filed the following amendment to LB93:
AM2089
(Amendments to Standing Committee amendments, AM422)
1 1. On page 2, line 4, after the period insert "This subsection does
2 not authorize intervention by a person whose parental rights to such
3 child have been terminated by the order of any court of competent
4 jurisdiction."

Senator B. Hansen filed the following amendment to LB381:
AM2075
(Amendments to Standing Committee amendments, AM207)
1 1. Strike amendment 1 and insert the following new amendments:
2 1. On page 42, line 9, before "The" insert "(1)"; in lines 9 and 11
3 reinstate the stricken matter; strike beginning with "as" in line 12
4 through "81-1177" in line 13 and show as stricken; and after line 13
5 insert the following new subsection:
6 "(2) Employees of the Legislature shall be compensated for actual
7 expenses incurred while on the business of the Legislature."
8 2. On page 105, strike beginning with "Each" in line 8 through line
9 16 and insert "Except as otherwise provided by section 50-415, each
10 request for any meal expense incurred during travel status shall be paid
11 or reimbursed pursuant to a percentage of the per diem rates of the
12 Federal General Services Administration for travel within the contiguous
13 United States, the United States Department of Defense for travel within
14 Alaska, Hawaii, or a United States territory or possession, and the
15 United States Department of State for foreign travel, as determined by
16 and in accordance with policies established by the Director of
17 Administrative Services. Such percentage shall not exceed one hundred
18 percent nor be less than sixty percent of the federal per diem rate. Any
19 meal expense charged directly to and paid for by the state shall be
20 identified on the request for reimbursement and deducted from the per
21 diem based on the percentage established for the meal provided."

BILLS ON FIRST READING

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

LEGISLATIVE BILL 972. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend section
81-2,147.03, Reissue Revised Statutes of Nebraska; to change provisions
relating to percentage of germination seed testing; and to repeal the original
section.

LEGISLATIVE BILL 973. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to real estate; to amend section 39-1405,
Reissue Revised Statutes of Nebraska, and section 52-2001, Revised
Statutes Cumulative Supplement, 2018; to adopt the Homeowner
Association Act; to provide for contracts with county boards; to provide for liens; and to repeal the original sections.

**LEGISLATIVE BILL 974.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Briese, 41; Friesen, 34; Groene, 42; Koltman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to school funding; to amend sections 77‑201, 77‑1391, 77‑5023, 79‑1025, and 79‑1082, Reissue Revised Statutes of Nebraska, sections 79‑1001, 79‑1007.11, 79‑1007.18, 79‑1009, 79‑1015.01, 79‑1016, 79‑1030, 79‑1098, 79‑10,100, 79‑10,101, 79‑10,120, and 79‑10,126, Revised Statutes Cumulative Supplement, 2018, and sections 77‑3442, 77‑3446, 79‑1003, 79‑1005.01, 79‑1017.01, 79‑1022, 79‑1022.02, 79‑1023, 79‑1027, and 79‑1031.01, Revised Statutes Supplement, 2019; to change the valuation of property for taxes levied by school districts and multiple‑district school systems; to change provisions relating to levy limitations, the base limitation, and acceptable ranges for property valuation; to change the Tax Equity and Educational Opportunities Support Act; to change provisions relating to certain school taxes and special funds; to provide for transition aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 295CA.** Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 24:

III‑24 (1) The except as provided in this section, the Legislature may not authorize, regulate, and tax any game of chance or any lottery or gift enterprise, including any game of chance, lottery, or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:
(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 allow the Legislature to authorize gambling subject to taxation and regulation by the Legislature.

For

Against.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB153.
Senator Slama name added to LB153.
Senator Halloran name added to LB153.
Senator McCollister name added to LB153.
Senator Quick name added to LB153.
Senator M. Hansen name added to LB942.
Senator M. Hansen name added to LB943.
Senator Hilkemann name added to LR292CA.

VISITOR(S)

Visitors to the Chamber were a group of Nebraska veterans from across the state.

The Doctor of the Day was Dr. Christine Jeffrey from Omaha.

ADJOURNMENT

At 4:27 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTH DAY - JANUARY 14, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 2020

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist 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 Senators M. Hansen and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Slama 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.

MOTION(S) - Ombudsman Appointment

Senator Hilgers offered his report, found on page 231, to move the appointment of Julie Rogers as Public Counsel (Ombudsman), pursuant to section 81-8,241.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers requested a roll call vote on the motion.
Voting in the affirmative, 46:

Albrecht  Crawford  Hansen, M.  Lindstrom  Scheer
Arch  DeBoer  Hilgers  Linehan  Stinner
Blood  Dorn  Hilkemann  Lowe  Vargas
Bolz  Erdman  Howard  McCollister  Walz
Bostelman  Friesen  Hughes  McDonnell  Williams
Brandt  Geist  Hunt  Morfeld  Wishart
Brewer  Gragert  Kolowski  Moser
Briese  Groene  Kolterman  Murman
Cavanaugh  Halloran  La Grone  Pansing Brooks
Clements  Hansen, B.  Lathrop  Quick

Voting in the negative, 2:

Chambers  Wayne

Excused and not voting, 1:

Slama

The Hilgers motion prevailed with 46 ayes, 2 nays, and 1 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 975.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 28-377, 28-378, 28-711, 28-716, 28-719, and 28-726, Reissue Revised Statutes of Nebraska, and section 28-372, Revised Statutes Cumulative Supplement, 2018; to provide immunity for providing information or assistance in connection with an investigation, a report, or a judicial proceeding resulting from child abuse or neglect; to change provisions relating to abuse reporting; to provide for access to records relating to abuse; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 976.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-331.02, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 977.** Introduced by Bolz, 29.
A BILL FOR AN ACT relating to child welfare; to amend section 68-1212, Revised Statutes Supplement, 2019; to change provisions relating to the case management lead agency model pilot project; and to repeal the original section.

**LEGISLATIVE BILL 978.** Introduced by Murman, 38; Albrecht, 17; Brandt, 32; Briese, 41; Erdman, 47; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to incarceration; to provide for reimbursement of county, city, and village jail expenses as prescribed.

**LEGISLATIVE BILL 979.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation for a high-speed commuter rail service study and report.

**LEGISLATIVE BILL 980.** Introduced by Brandt, 32; Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-426, 9-429, and 9-431, Reissue Revised Statutes of Nebraska; to change the duration of validity for a special permit; to change when the tax on gross proceeds is paid; to provide for online sales and purchases by certain payment card transactions; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs
Room 1507

Wednesday, January 22, 2020 1:30 p.m.
Robert Phillip Sabin - Nebraska Tourism Commission
Kyle Keeling - State Emergency Response Commission
Rod Buethe - State Emergency Response Commission
Tonya Ngotel - State Emergency Response Commission
Kimberly K. Plouzek - State Emergency Response Commission
Polly Ann Jordening - State Emergency Response Commission

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 287.** Senator Hughes renewed his motion, MO114, found on page 278, to recommit to the Natural Resources Committee.

**SPEAKER SCHEER PRESIDING**
PRESIDENT FOLEY PRESIDING

Pending.

BILLs ON FIRST READING

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

LEGISLATIVE BILL 981. Introduced by Hunt, 8; Hansen, M., 26; Lathrop, 12.

A BILL FOR AN ACT relating to state contracts for services; to amend section 73-502, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for applicability of provisions to certain state constitutional offices; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Hansen, M., 26; Hunt, 8; Lathrop, 12.

A BILL FOR AN ACT relating to state officers; to amend section 84-733, Reissue Revised Statutes of Nebraska; to change the prohibition on use of state funds for advertising or promotional materials as prescribed; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,182, Revised Statutes Supplement, 2019; to change provisions relating to the point system for violations; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-1813 and 71-1599, Reissue Revised Statutes of Nebraska, and sections 3-502, 19-5205, and 19-5305, Revised Statutes Cumulative Supplement, 2018; to provide deadlines for filling vacancies on certain boards, authorities, and agencies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 985. Introduced by Pansing Brooks, 28; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-204, 28-320.01, 28-320.02, 28-929, 28-1205, 28-1212.02, 28-1212.04, 28-1463.04, and 29-3204.02, Reissue Revised Statutes of Nebraska, sections 28-201, 28-202, 28-416, 29-1816, and 83-1,122.01, Revised Statutes Cumulative Supplement, 2018, and sections 28-101, 28-105, 28-115, 28-813.01, 28-1206, and 28-1463.05, Revised Statutes
Supplement, 2019; to provide for new felony classifications; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 986.** Introduced by Pansing Brooks, 28; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to postsecondary education; to prescribe requirements for publicly funded colleges and universities regarding the criminal history and juvenile court record information of applicants for admission and students.

**LEGISLATIVE BILL 987.** Introduced by Pansing Brooks, 28; Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, section 81-1429.02, Revised Statutes Cumulative Supplement, 2018, and section 77-2701.16, Revised Statutes Supplement, 2019; to impose sales and use taxes on dating and escort services; to provide for the use of the sales and use tax proceeds from dating and escort services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 988.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to professional services; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Supplement, 2019; to provide restrictions on business entity ownership with respect to certain professional services regulated under the Uniform Credentialing Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 989.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.16 and 77-2703, Revised Statutes Supplement, 2019; to impose sales and use taxes on digital advertisements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 990.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska, section 79-1001, Revised Statutes Cumulative Supplement, 2018, and sections 9-1,101 and 77-3442, Revised Statutes Supplement, 2019; to adopt the Games of Skill Act; to redefine duties for the Department of Revenue; to provide a gambling exception for operating or participating in games of skill; to change a provision relating to the possession of gambling records; to change provisions relating to property tax levies; to change the Tax Equity and Educational Opportunities Support Act; to harmonize
provisions; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 30. Title read. Considered.

Committee AM302, found on page 578, First Session, 2019, was offered.

Senator Kolterman offered his amendment, AM2050, found on page 146, to the committee amendment.

The Kolterman 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 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 991. Introduced by Halloran, 33; Briese, 41; Murman, 38.

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-311, 28-319.01, 28-320.02, 28-833, 28-1463.04, 29-2028, and 81-1850, Reissue Revised Statutes of Nebraska, sections 42-1203 and 83-174.02, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-412, 27-413, 28-101, 28-311.11, 28-318, 28-813.01, 28-1463.05, 29-110, 29-119, 29-4003, and 83-4,143, Revised Statutes Supplement, 2019; to change provisions relating to sexual assault under the Nebraska Evidence Rules, enhanced penalties for certain sexual offenses, and sexual assault protection orders; to create the offense of child enticement by a school official by means of an electronic communication device; to create the offense of sexual assault of a student; to define and redefine terms; to prohibit enticement by electronic communication device by a school official as prescribed; to provide a statute of limitations for sexual assault of a student; to change provisions relating to corroborated victim testimony in sexual offenses; to add registrable offenses under the Sex Offender Registration Act; to change provisions relating to the Address Confidentiality Act, victim notifications, evaluation of dangerous sex offenders, and eligibility for participation in an incarceration work camp; to change and provide penalties; to harmonize provisions; and to repeal the original sections.
NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Tuesday, January 21, 2020 1:30 p.m.
Anthony Goins - Department of Economic Development
LB909
LB774
LB782

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 153. Placed on Select File with amendment.

ER137
1. On page 1, line 2, strike beginning with "Reissue" through
2 "Nebraska" and insert "Revised Statutes Supplement, 2019".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilgers name added to LB153.
Senator Hilkemann name added to LB752.
Senator McCollister name added to LB946.
Senator McCollister name added to LB949.
Senator Howard name added to LR294.

VISITOR(S)

Visitors to the Chamber were Allen Beermann, Jim Timm, and Dennis DeRosset; and Steve Jordon, Mike Holmes, Bridget Weide-Brooks, and Roger Humphries from Omaha.

RECESS

At 11:40 a.m., on a motion by Senator Briese, 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, Linehan, and Wishart who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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<td>LB970</td>
<td>Banking, Commerce and Insurance</td>
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</table>
LEGISLATIVE BILL 93. Title read. Considered.

Committee AM422, found on page 591, First Session, 2019, was offered.

Senator Wayne offered his amendment, AM2089, found on page 280, to the committee amendment.

The Wayne amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, 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 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Committee AM430, found on page 592, First Session, 2019, was offered.

Senator Morfeld withdrew his amendment, AM2066, found on page 229.

Senator Morfeld offered the following amendment to the committee amendment:

AM2093  (Amendments to Standing Committee amendments, AM430)

1 1. On page 2, line 5; and page 3, line 28, strike "or" and insert 2 "and".
2 2. On page 2, line 6, strike "ethical".


The Morfeld amendment was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 2 nays,
15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 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 992.** Introduced by Friesen, 34; Bostelman, 23.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75‑109.01, 86‑127, and 86‑577, Reissue Revised Statutes of Nebraska, and sections 86‑579 and 86‑1102, Revised Statutes Cumulative Supplement, 2018; to adopt the Broadband Internet Service Infrastructure Act; to state legislative intent; to provide for a state broadband coordinator; to provide duties for the Public Service Commission and Nebraska Library Commission as prescribed; to create the Nebraska E‑Rate Special Construction Matching Fund Program; to change provisions relating to the lease of dark fiber; to terminate a fund; to provide a term of service for certain Rural Broadband Task Force members; to harmonize provisions; to repeal the original sections; and to outright repeal section 86‑580, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 993.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to city manager plan of government; to amend section 32‑538, Revised Statutes Supplement, 2019; to change provisions relating to the number of members of the city council as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 994.** Introduced by Murman, 38; Cavanaugh, 6.

A BILL FOR AN ACT relating to health; to adopt the Organ Transplant Fairness Act.

**LEGISLATIVE BILL 995.** Introduced by Gragert, 40; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Commission on Public Advocacy for Legal Education for Public Service and Rural Practice Loan Repayment Assistance aid; and to declare an emergency.
NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Monday, January 27, 2020 1:30 p.m.
LB902
LB775
LB908
LB939

Tuesday, January 28, 2020 1:30 p.m.
LB764
LB852
LB853
LB854

(Signed) Matt Williams, Chairperson
Health and Human Services
Room 1510

Wednesday, January 22, 2020 1:30 p.m.
Gary J. Anthone - Division of Public Health - Department of Health and Human Services
LB836
LB825
LB753

(Signed) Sara Howard, Chairperson
Revenue
Room 1524

Wednesday, January 22, 2020 1:30 p.m.
LB974

(Signed) Lou Ann Linehan, Chairperson
LEGISLATIVE RESOLUTION 296. Introduced by Clements, 2; Erdman, 47; Hughes, 44; Lowe, 37.

WHEREAS, Dwight L. Clements was born in Elmwood on January 19, 1920; and
WHEREAS, his father, Guy, grandfather, Byron, and great grandfather, John were also from Elmwood; and
WHEREAS, John Clements staked claim to a homestead near Elmwood in 1868; and
WHEREAS, in 1938, Dwight graduated from Elmwood High School and went on to attend the University of Nebraska; and
WHEREAS, Dwight then joined the Army during World War II. Beginning in 1943, Dwight served as platoon sergeant with the Army Combat Engineers, building bridges across rivers on the border between France and Germany as the Germans retreated and continuing until the war ended in 1945. Dwight left the Army with an honorable discharge in February 1946; and
WHEREAS, Dwight returned to the University of Nebraska and graduated from law school in 1947; and
WHEREAS, Dwight married Marjory Horstman in June of 1948, the couple raised three sons, Greg, Richard, and Robert, and were married for seventy-one years before Marjory passed away in 2019; and
WHEREAS, Dwight practiced law in Elmwood while working at American Exchange Bank. He eventually became president of the bank where he worked for fifty years; and
WHEREAS, Dwight turns one hundred years old on January 19, 2020.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Dwight Clements on the celebration of his one hundredth birthday.
2. That a copy of this resolution be sent to Dwight Clements.

Laid over.

MOTION(S) - Print in Journal

Senator Bolz filed the following motion to LB904:
MO115
Withdraw bill.
GENERAL FILE

LEGISLATIVE BILL 230. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Committee AM450, found on page 594, First Session, 2019, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 322. Title read. Considered.

Committee AM271, found on page 598, First Session, 2019, was offered.

Senator Crawford offered her amendment, AM2082, found on page 279, to the committee amendment.

The Crawford amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, 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 38 ayes, 0 nays, 6 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 996. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Revised Statutes Supplement, 2019; to create the Broadband Data Improvement Program; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to insurance; to adopt the Out-of-Network
Emergency Medical Care Act; and to provide an operative date.

**LEGISLATIVE BILL 998.** Introduced by Murman, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, sections 9-812, 79-2,144, 79-1001, and 79-1007.11, Revised Statutes Cumulative Supplement, 2018, and section 79-1017.01, Revised Statutes Supplement, 2019; to transfer money; to create a fund; to provide duties; to require behavioral awareness and intervention training and behavioral awareness and intervention points of contact as prescribed; to change the Tax Equity and Educational Opportunities Support Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 999.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 23-3402, 23-3404, 29-3906, 29-3911, 29-3918, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Cumulative Supplement, 2018; to require cities and villages to pay for the cost of appointed counsel for indigent defendants and juveniles in prosecutions of and adjudications for violations of city or village ordinances; to harmonize provisions; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING(S)**
Transportation and Telecommunications
Room 1525

Friday, January 24, 2020 12:00 p.m.
Jerome A. Fagerland - State Highway Commission
James W. Hawks - State Highway Commission
Douglas Leafgreen - State Highway Commission

(Signed) Curt Friesen, Chairperson

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

Senator Wayne filed the following amendment to LB68:

AM2097 (Amendments to Standing Committee amendments, AM334)

1 1. Strike amendments 1 and 2 and insert the following new 3 sections:
4 Section 1. Section 19-4021, Revised Statutes Supplement, 2019, is amended to read:
6 19-4021 The mayor, with the approval of the city council, shall
7 appoint a business improvement board consisting of property owners,
8 residents, business operators, or users of space within the business area
9 to be improved. The boundaries of the business area shall be declared by
10 resolution of the city council at or prior to the time of the appointment
11 of the business improvement board. The business improvement board shall
12 make recommendations to the city council for the establishment of a plan
13 or plans for improvements in the business area. If it is found that the
14 improvements to be included in one business area offer benefits that
15 cannot be equitably assessed together under the Business Improvement
16 District Act, more than one business improvement district as part of the
17 same plan for improvements for that business area may be proposed. The
18 business improvement board may make recommendations to the city as to the
19 use of any occupation tax funds collected, and may administer such funds
20 if so directed by the mayor and city council. The business improvement
21 board shall also review and make recommendations to the city regarding
22 changing the boundaries or the functions or ordinance
23 provisions of the business improvement district under sections 19-4029.02
24 to 19-4029.05.
25 Sec. 2. Section 19-4027, Revised Statutes Supplement, 2019, is
26 amended to read:
19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,
2 the city council shall:
3 (1) Hear all protests and receive evidence for or against the
4 proposed action;
5 (2) Rule upon all written protests received prior to the close of
6 the hearing, which ruling shall be final; and
7 (3) Continue the hearing from time to time as the city council may
8 deem necessary.
9 If a special assessment is to be used, proceedings shall terminate
10 if written protest is made prior to the close of the hearing by the
11 record owners of over fifty percent of the assessable units in the
12 proposed business improvement district. If an occupation tax is to be
13 used, proceedings shall terminate if protest is made by users of over
14 fifty percent of the space in the proposed business improvement district.
15 Sec. 3. Section 19-4029.01, Revised Statutes Supplement, 2019, is
16 amended to read:
19-4029.01 (1) At least ten days prior to the date of any hearing
18 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of
19 such hearing shall be given by:
20 (a) One publication of the notice of hearing in a legal newspaper in
21 or of general circulation in the city;
22 (b) Mailing a copy of the notice of hearing to each owner of taxable
23 property in the proposed, modified, or expanded business improvement
24 district as shown on the latest tax rolls of the county treasurer for
25 such county;
26 (c) Providing a copy of the notice of hearing to any neighborhood
27 association registered pursuant to subsection (2) of this section in the
28 manner requested by such neighborhood association; and
29 (d) If an occupation tax is to be imposed, mailing a copy of the
30 notice of hearing to each user of space in the proposed, modified, or
31 expanded business improvement district.
1 (2) The notice required by subdivision (1)(c) of this section shall
2 be provided to any neighborhood association which is registered pursuant
3 to this subsection and whose area of representation is located, in whole
4 or in part, within a one-mile radius of the existing or proposed,
5 modified, or expanded boundaries of the business improvement district.
6 Each neighborhood association desiring to receive such notice shall
7 register with the city the area of representation of such association and
8 provide the name of and contact information for the individual designated
9 to receive notice on behalf of such association and the requested manner
10 of service, whether by email or first-class or certified mail. The
11 registration shall be in accordance with any rules and regulations
12 adopted and promulgated by the city.
13 (3) Any notice of hearing for any hearing required by sections
14 19-4026 and section 19-4029 shall contain the following information:
15 (a) A description of the boundaries of the proposed business
16 improvement district;
17 (b) The time and place of a hearing to be held by the city council
18 to consider establishment of the business improvement district;
19 (c) The proposed public facilities and improvements to be made or
20 maintained within any business improvement district; and
21 (d) The proposed or estimated costs for improvements and facilities
22 within the proposed business improvement district and the method by which
23 the revenue shall be raised. If a special assessment is proposed, the
24 notice shall also state the proposed method of assessment.
25 (4) Any notice of hearing for any hearing required by sections
26 19-4029.02 and 19-4029.03 shall contain the following information:
27 (a) A description of the boundaries of the area to be added to or
28 removed from the existing business improvement district and a description
29 of the new boundaries of the modified business improvement district;
30 (b) The time and place of a hearing to be held by the city council
31 to consider establishment of the modified business improvement district;
1 (c) The new public facilities and improvements, if any, to be made
2 or maintained within any business improvement district; and
3 (d) The proposed or estimated costs for new and existing
4 improvements and facilities within the proposed, modified, or expanded
5 business improvement district and the method by which the revenue shall
6 be raised. If a special assessment is proposed, the notice shall also
7 state the proposed method of assessment.
8 Sec. 4. Section 19-4029.02, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:
10 19-4029.02 Upon receiving g the recommendation to change expand the
11 boundaries or the functions or ordinance provisions of an existing
12 business improvement district from the business improvement board, the
13 city council may change expand the boundaries or the functions or
14 ordinance provisions of one or more business improvement districts by
15 adopting an ordinance to that effect expand the boundaries of a district
16 or districts. Prior to adopting the ordinance, a hearing shall be held to
17 consider the ordinance.
18 Sec. 5. Section 19-4029.03, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:
20 19-4029.03 If g in the event that the city council has not acted to
21 call a hearing to change the expand district boundaries or the functions
22 or ordinance provisions of an existing business improvement district as
23 provided in section 19-4029.02, it shall do so when presented with a
24 petition signed (1) by the users of thirty percent of space in a business
25 area proposed to be added to or removed from an existing business
26 improvement district where an occupation tax is imposed, (2) or by the
27 record owners of thirty percent of the assessable front footage in a
28 portion of a business area proposed to be added to or removed from an
29 existing business improvement district, or (3) If the recommendation is
30 to change the functions or ordinance provisions of an existing business
31 improvement district, by the record owners of thirty percent of the
1 existing business improvement district.
2 Sec. 6. Section 19-4029.04, Revised Statutes Supplement, 2019, is
3 amended to read:
4 19-4029.04 Whenever a hearing is held to change the expand business
5 improvement district boundaries or the functions or ordinance provisions
6 of an existing business improvement district under section 19-4029.02 or
7 19-4029.03, the city council shall:
8 (1) Hear all protests and receive evidence for or against the
9 proposed action;
10 (2) Rule upon all written protests received prior to the close of
11 the hearing, which ruling shall be final; and
12 (3) Continue the hearing from time to time as the city council may
13 deem necessary.
14 If a special assessment is to be used, proceedings shall terminate
15 if written protest is made prior to the close of the hearing by the
16 record owners of over fifty percent of the assessable units in the
17 modified business improvement district as proposed. If an occupation tax
18 is to be used, proceedings shall terminate if protest is made by users of
19 over fifty percent of space in the modified business improvement district
20 as proposed.
21 Sec. 7. Section 19-4029.05, Revised Statutes Supplement, 2019, is
22 amended to read:
23 19-4029.05 (1) The city council, following a hearing under section
24 19-4029.02 or 19-4029.03, may change expanded the boundaries or the
25 functions or ordinance provisions of any business improvement district or
26 districts. If the city council decides to expand the boundaries or
27 the functions or ordinance provisions of any business improvement
28 district or districts, it shall adopt an ordinance to that effect. This
29 ordinance shall contain the following information:
30 (a) (4) The name of the business improvement district whose
31 boundaries, functions, or ordinance provisions will be expanded;
32 (b) (2) A statement that notice of hearing was given, including the
33 date or dates on which it was given, in accordance with section
34 19-4029.01;
35 (c) (2) The time and place the hearing was held concerning the new
36 boundaries or changed functions or ordinance provisions of the business
37 improvement district;
38 (d) (4) The purposes of the changed boundary, functions, or
39 ordinance provisions expanded and any new public improvements and
40 facilities to be included in the business improvement district;
41 (e) (4) The description of the changed new boundaries, functions, or
42 ordinance provisions of the business improvement district;
43 (f) (4) A statement that the businesses and users of space in the
44 modified business improvement district established by the ordinance shall
45 be subject to the general business occupation tax or that the real
46 property in the modified business improvement district will be subject to
47 the special assessment authorized by the Business Improvement District
48 Act;
49 (g) (2) The proposed method of assessment to be imposed within the
50 business improvement district or the initial rate of the occupation tax
51 to be imposed; and
52 (h) (4) Any penalties to be imposed for failure to pay the tax or
53 special assessment.
54 (2) The ordinance shall recite that the method of raising revenue
55 shall be fair and equitable. In the use of a general occupation tax, the
56 tax shall be based primarily on the square footage of the owner’s and
57 user’s place of business. In the use of a special assessment, the
58 assessment shall be based upon the special benefit to the property within
59 the business improvement district.
60 Sec. 8. Original sections 19-4029.02 and 19-4029.03, Revised
61 Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027,
62 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement,
63 19-2019, are repealed.
Senator Vargas filed the following amendment to LB477:

AM2098

1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2716, Revised Statutes Supplement, 2019, is
4 amended to read:
5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:
8 (a)(i) There shall be subtracted interest or dividends received by
9 the owner of obligations of the United States and its territories and
10 possessions or of any authority, commission, or instrumentality of the
11 United States to the extent includable in gross income for federal income
12 tax purposes but exempt from state income taxes under the laws of the
13 United States; and
14 (ii) There shall be subtracted interest received by the owner of
15 obligations of the State of Nebraska or its political subdivisions or
16 authorities which are Build America Bonds to the extent includable in
17 gross income for federal income tax purposes;
18 (b) There shall be subtracted that portion of the total dividends
19 and other income received from a regulated investment company which is
20 attributable to obligations described in subdivision (a) of this
21 subsection as reported to the recipient by the regulated investment
22 company;
23 (c) There shall be added interest or dividends received by the owner
24 of obligations of the District of Columbia, other states of the United
25 States, or their political subdivisions, authorities, commissions, or
26 instrumentalities to the extent excluded in the computation of gross
27 income for federal income tax purposes except that such interest or
28 dividends shall not be added if received by a corporation which is a
29 regulated investment company;
30 (d) There shall be added that portion of the total dividends and
31 other income received from a regulated investment company which is
32 attributable to obligations described in subdivision (c) of this
33 subsection and excluded for federal income tax purposes as reported to
34 the recipient by the regulated investment company; and
35 (e)(i) Any amount subtracted under this subsection shall be reduced
36 by any interest on indebtedness incurred to carry the obligations or
37 securities described in this subsection or the investment in the
38 regulated investment company and by any expenses incurred in the
39 production of interest or dividend income described in this subsection to
40 the extent that such expenses, including amortizable bond premiums, are
41 deductible in determining federal taxable income.
42 (ii) Any amount added under this subsection shall be reduced by any
43 expenses incurred in the production of such income to the extent
44 disallowed in the computation of federal taxable income.
45 (2) There shall be allowed a net operating loss derived from or
46 connected with Nebraska sources computed under rules and regulations
47 adopted and promulgated by the Tax Commissioner consistent, to the extent
48 possible under the Nebraska Revenue Act of 1967, with the laws of the
49 United States. For a resident individual, estate, or trust, the net
50 operating loss computed on the federal income tax return shall be
51 adjusted by the modifications contained in this section. For a
52 nonresident individual, estate, or trust or for a partial-year resident
53 individual, the net operating loss computed on the federal return shall
54 be adjusted by the modifications contained in this section and any
55 carryovers or carrybacks shall be limited to the portion of the loss
56 derived from or connected with Nebraska sources.
57 (3) There shall be subtracted from federal adjusted gross income for
58 all taxable years beginning on or after January 1, 1987, the amount of
1 any state income tax refund to the extent such refund was deducted under
2 the Internal Revenue Code, was not allowed in the computation of the tax
3 due under the Nebraska Revenue Act of 1967, and is included in federal
4 adjusted gross income.
5 (4) Federal adjusted gross income, or, for a fiduciary, federal
6 taxable income shall be modified to exclude the portion of the income or
7 loss received from a small business corporation with an election in
8 effect under subchapter S of the Internal Revenue Code or from a limited
9 liability company organized pursuant to the Nebraska Uniform Limited
10 Liability Company Act that is not derived from or connected with Nebraska
11 sources as determined in section 77-2734.01.
12 (5) There shall be subtracted from federal adjusted gross income or,
13 for corporations and fiduciaries, federal taxable income dividends
14 received or deemed to be received from corporations which are not subject
15 to the Internal Revenue Code.
16 (6) There shall be subtracted from federal taxable income a portion
17 of the income earned by a corporation subject to the Internal Revenue
18 Code of 1986 that is actually taxed by a foreign country or one of its
19 political subdivisions at a rate in excess of the maximum federal tax
20 rate for corporations. The taxpayer may make the computation for each
21 foreign country or for groups of foreign countries. The portion of the
22 taxes that may be deducted shall be computed in the following manner:
23 (a) The amount of federal taxable income from operations within a
24 foreign taxing jurisdiction shall be reduced by the amount of taxes
25 actually paid to the foreign jurisdiction that are not deductible solely
26 because the foreign tax credit was elected on the federal income tax
27 return;
28 (b) The amount of after-tax income shall be divided by one minus the
29 maximum tax rate for corporations in the Internal Revenue Code; and
30 (c) The result of the calculation in subdivision (b) of this
31 subsection shall be subtracted from the amount of federal taxable income
1 used in subdivision (a) of this subsection. The result of such
2 calculation, if greater than zero, shall be subtracted from federal
3 taxable income.
4 (7) Federal adjusted gross income shall be modified to exclude any
5 amount repaid by the taxpayer for which a reduction in federal tax is
6 allowed under section 1341(a)(5) of the Internal Revenue Code.
7 (8)(a) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be reduced, to the extent
9 included, by income from interest, earnings, and state contributions
10 received from the Nebraska educational savings plan trust created in
11 sections 85-1801 to 85-1817 and any account established under the
12 achieving a better life experience program as provided in sections
13 77-1401 to 77-1409.
14 (b) Federal adjusted gross income or, for corporations and
15 fiduciaries, federal taxable income shall be reduced by any contributions
16 as a participant in the Nebraska educational savings plan trust or
17 contributions to an account established under the achieving a better life
18 experience program made for the benefit of a beneficiary as provided in
19 sections 77-1401 to 77-1409, to the extent not deducted for federal
20 income tax purposes, but not to exceed five thousand dollars per married
21 filing separate return or ten thousand dollars for any other return. With
22 respect to a qualified rollover within the meaning of section 529 of the
23 Internal Revenue Code from another state's plan, any interest, earnings,
24 and state contributions received from the other state's educational
25 savings plan which is qualified under section 529 of the code shall
26 qualify for the reduction provided in this subdivision. For contributions
27 by a custodian of a custodial account including rollovers from another
28 custodial account, the reduction shall only apply to funds added to the
29 custodial account after January 1, 2014.
30 (c) Federal adjusted gross income or, for corporations and
31 fiduciaries, federal taxable income shall be increased by:
1 (i) The amount resulting from the cancellation of a participation
2 agreement refunded to the taxpayer as a participant in the Nebraska
3 educational savings plan trust to the extent previously deducted under
4 subdivision (8)(b) of this section; and
5 (ii) The amount of any withdrawals by the owner of an account
6 established under the achieving a better life experience program as
7 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
8 extent previously deducted under subdivision (8)(b) of this section.
9 (9)(a) For income tax returns filed after September 10, 2001, for
10 taxable years beginning or deemed to begin before January 1, 2006, under
11 the Internal Revenue Code of 1986, as amended, federal adjusted gross
12 income or, for corporations and fiduciaries, federal taxable income shall
13 be increased by eighty-five percent of any amount of any federal bonus
14 depreciation received under the federal Job Creation and Worker
15 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
16 under section 168(k) or section 1400L of the Internal Revenue Code of
17 1986, as amended, for assets placed in service after September 10, 2001,
18 and before December 31, 2005.
19 (b) For a partnership, limited liability company, cooperative,
20 including any cooperative exempt from income taxes under section 521 of
21 the Internal Revenue Code of 1986, as amended, limited cooperative
22 association, subchapter S corporation, or joint venture, the increase
23 shall be distributed to the partners, members, shareholders, patrons, or
24 beneficiaries in the same manner as income is distributed for use against
25 their income tax liabilities.
26 (c) For a corporation with a unitary business having activity both
27 inside and outside the state, the increase shall be apportioned to
28 Nebraska in the same manner as income is apportioned to the state by
29 section 77-2734.05.
30 (d) The amount of bonus depreciation added to federal adjusted gross
31 income or, for corporations and fiduciaries, federal taxable income by
1 this subsection shall be subtracted in a later taxable year. Twenty
2 percent of the total amount of bonus depreciation added back by this
3 subsection for tax years beginning or deemed to begin before January 1,
4 2003, under the Internal Revenue Code of 1986, as amended, may be
5 subtracted in the first taxable year beginning or deemed to begin on or
6 after January 1, 2005, under the Internal Revenue Code of 1986, as
7 amended, and twenty percent in each of the next four following taxable
8 years. Twenty percent of the total amount of bonus depreciation added
9 back by this subsection for tax years beginning or deemed to begin on or
10 after January 1, 2003, may be subtracted in the first taxable year
11 beginning or deemed to begin on or after January 1, 2006, under the
12 Internal Revenue Code of 1986, as amended, and twenty percent in each of
13 the next four following taxable years.
14 (10) For taxable years beginning or deemed to begin on or after
15 January 1, 2003, and before January 1, 2006, under the Internal Revenue
16 Code of 1986, as amended, federal adjusted gross income or, for
17 corporations and fiduciaries, federal taxable income shall be increased
18 by the amount of any capital investment that is expensed under section
19 179 of the Internal Revenue Code of 1986, as amended, that is in excess
20 of twenty-five thousand dollars that is allowed under the federal Jobs
21 and Growth Tax Act of 2003. Twenty percent of the total amount of
22 expensing added back by this subsection for tax years beginning or deemed
23 to begin on or after January 1, 2003, may be subtracted in the first
24 taxable year beginning or deemed to begin on or after January 1, 2006,
25 under the Internal Revenue Code of 1986, as amended, and twenty percent
26 in each of the next four following tax years.
27 (11)(a) For taxable years beginning or deemed to begin before
28 January 1, 2018, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be reduced by contributions, up to 30 two thousand dollars per married filing jointly return or one thousand dollars for any other return, and any investment earnings made as a participant in the Nebraska long-term care savings plan under the Long-Term Care Savings Plan Act, to the extent not deducted for federal income tax purposes.

4 (b) For taxable years beginning or deemed to begin before January 1, 2018, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be increased by the withdrawals made as a participant in the Nebraska long-term care savings plan under the act by:

8 a person who is not a qualified individual or for any reason other than transfer of funds to a spouse, long-term care expenses, long-term care insurance premiums, or death of the participant, including withdrawals made by reason of cancellation of the participation agreement, to the extent previously deducted as a contribution or as investment earnings.

13 (12) There shall be added to federal adjusted gross income for individuals, estates, and trusts any amount taken as a credit for franchise tax paid by a financial institution under sections 77-3801 to 77-3807 as allowed by subsection (5) of section 77-2715.07.

17 (13)(a) For taxable years beginning or deemed to begin on or after January 1, 2015, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be reduced by the amount received as benefits under the federal Social Security Act which are included in the federal adjusted gross income if:

22 (i) For taxpayers filing a married filing joint return, federal adjusted gross income is fifty-eight thousand dollars or less; or
24 (ii) For taxpayers filing any other return, federal adjusted gross income is forty-three thousand dollars or less.

26 (b) For taxable years beginning or deemed to begin on or after January 1, 2020, under the Internal Revenue Code of 1986, as amended, the Tax Commissioner shall adjust the dollar amounts provided in subdivisions (13)(a)(i) and (ii) of this section by the same percentage used to adjust individual income tax brackets under subsection (3) of section 77-2715.03.

1 (14) For taxable years beginning or deemed to begin on or after January 1, 2015, under the Internal Revenue Code of 1986, as amended, an individual may make a one-time election within two calendar years after the date of his or her retirement from the military to exclude income received as a military retirement benefit by the individual to the extent included in federal adjusted gross income and as provided in this subsection. The individual may elect to exclude forty percent of his or her military retirement benefit income for seven consecutive taxable years beginning with the year in which the election is made or may elect to exclude fifteen percent of his or her military retirement benefit income for all taxable years beginning with the year in which he or she turns sixty-seven years of age. For purposes of this subsection, military retirement benefit means retirement benefits that are periodic payments attributable to service in the uniformed services of the United States for personal services performed by an individual prior to his or her retirement. For taxable years beginning or deemed to begin on or after January 1, 2021, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be reduced by the amount received as a Segal AmeriCorps Education Award, to the extent such amount is included in federal adjusted gross income.

22 Sec. 2. Original section 77-2716, Revised Statutes Supplement, 2019, is repealed.
VISITOR(S)

Visitors to the Chamber were Thelma Whitewater and Garan Coons; and Ilene Grossman and Tim Anderson from the Council of State Governments.

The Doctor of the Day was Drs. John Hallgren and Luke Lisherness from Omaha.

MOTION - Adjournment

Senator Slama moved to adjourn until 9:00 a.m., Wednesday, January 15, 2020.

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

The Slama motion to adjourn prevailed with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting, and at 4:13 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTH DAY - JANUARY 15, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 2020

PRAYER

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann 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 Senator Wayne who was excused; and Senators La Grone, Pansing Brooks, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION(S) - Withdraw LB904

Senator Bolz offered her motion, MO115, found on page 296, to withdraw LB904.

The Bolz motion to withdraw the bill prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1000. Introduced by Blood, 3.

A BILL FOR AN ACT relating to gambling; to direct registration fees collected in relation to the regulation of fantasy contests to professional development for the early childhood care and education workforce; to create a fund; and to provide duties.
LEGISLATIVE BILL 1001. Introduced by Crawford, 45; Lowe, 37.

A BILL FOR AN ACT relating to education; to require hotline phone numbers on student identification cards for middle school, high school, and postsecondary students as prescribed; and to harmonize provisions.

LEGISLATIVE BILL 1002. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-7436 and 71-7444, Reissue Revised Statutes of Nebraska; to change provisions relating to wholesale drug distribution for emergency medical services; to redefine terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1003. Introduced by Walz, 15.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-405.01, Revised Statutes Cumulative Supplement, 2018; to provide annexation powers for purposes of relocation due to catastrophic flooding; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for parole; and to repeal the original section.

LEGISLATIVE BILL 1005. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-401, 32-502, 32-503, 32-506, 32-507, 32-509, 32-605, 32-611, 32-612, 32-619.01, 32-623, 32-627, 32-702, 32-716, 32-720, 32-801, 32-809, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-912, Reissue Revised Statutes of Nebraska, and sections 32-312 and 32-610, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to nomination and election of certain partisan candidates as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.


A BILL FOR AN ACT relating to civil procedure; to amend section 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment summonses; and to repeal the original section.


A BILL FOR AN ACT relating to criminal procedure; to amend section
29-1822, Revised Statutes Cumulative Supplement, 2018, and section 29-1823, Revised Statutes Supplement, 2019; to change provisions relating to competency to stand trial and competency to be sentenced; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Wednesday, January 22, 2020 1:30 p.m.
James W. Hawks - Environmental Quality Council
LB802
LB858

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Lindstrom filed the following motion to LB765:
MOTION - Escort Governor

Senator Hughes 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 Albrecht, Crawford, Geist, Howard, and Linehan to serve on said committee.

STATE OF THE STATE ADDRESS

“Through it all, Nebraskans showed the world what it truly means to be Nebraska Strong.”

“Property tax relief remains the top priority for the people of Nebraska and it’s my number one priority.”

“Our work in the coming days will take a spirit of collaboration and cooperation for each of us to do our part to keep Nebraska strong.”

President Foley, Speaker Scheer, Members of the Legislature, Distinguished Guests, Friends, Fellow Nebraskans – good morning!
Congratulations on the commencement of the Second Session of the 106th Nebraska Legislature. I want to welcome each of you back to Lincoln, and I look forward to working together to keep Nebraska strong during what is certain to be a fast-paced short session. From property tax relief to flood aid, we have several important priorities that we must address.

As we enter this session, our priorities for 2020 have been shaped by events and circumstances our state has faced over the last year.

As I have said before, I believe that 2019 will be remembered as Nebraska’s finest hour.

When we were faced with the most widespread and costliest natural disaster in state history, Nebraskans responded with heroic grit, determination, resilience, and generosity.

For 318 days—from February 4th to December 19th—Nebraska had a Flood Warning, Watch, or Advisory somewhere in our state.

Through it all, Nebraskans showed the world what it truly means to be Nebraska Strong.

Nebraskans not only rescued stranded neighbors, but they also sandbagged levies, donated hay and supplies, delivered hot meals, and raised money for those who had lost everything.

Last month, the First Lady and I had the honor of presenting several of our flood heroes with a token of our state’s appreciation. These men and women are ordinary Nebraskans, who recognized a need and took lifesaving action. In many cases they did this, not because it was their job, but because they cared about their neighbors and their communities.

Sadly, the flooding claimed the lives of six Nebraskans. One of those Nebraskans was James Wilke. James was a farmer from near Columbus, who sacrificed his life while volunteering to save a stranded motorist. When local emergency responders asked for his help, James answered the call, put on his boots, and got in his tractor. While driving his tractor to the rescue, the bridge he traveled over could not withstand the powerful water and collapsed. Even though God called James home earlier than any of us expected, he will forever be remembered for his selflessness and heroism. His wife Rachel and family members are here today. Please help me recognize them.

Today, I also want to recognize the amazing work of our public servants here at the State of Nebraska. They are the unsung heroes who worked around the clock organizing rescues, clearing roads, and supporting communities.
During the flooding, members of the Nebraska National Guard drove nearly 45,000 miles and put in 335 hours of flight time. Along the way, they rescued 112 people, 66 of those rescues were by helicopter hoist.

The Nebraska State Patrol made more than 160 rescues in the weeks following the blizzards and floods in March. Rescues were made using patrol units, light armored vehicles, boats, and a helicopter to reach people in danger and bring them to safety. In July, when another round of flooding struck central Nebraska, the State Patrol was among the first on the ground to help. Troopers worked side-by-side with Kearney police officers and others to evacuate hundreds of people from flooded businesses and hotels in Kearney.

At the Nebraska Department of Transportation, teammates like Rudy Novacek sacrificed countless hours to keep people safe. Rudy was escaping through floodwaters in a plow truck when he turned around to go back and assist a Nebraska State Trooper that got stranded behind him. Since the flood, the agency has helped rebuild the state by reopening and repairing 3,300 miles of state highway along with 27 bridges.

And finally, I want to recognize the team at the Nebraska Emergency Management Agency (NEMA). They helped coordinate the response across the state, supported local emergency managers, directed resources, and ran a joint information center among countless other duties. They are the best among their peers in the nation!

Please help me recognize representatives from the Nebraska National Guard, State Patrol, Department of Transportation, and NEMA, who are seated in the balcony today.

Before I elaborate further on the state of the state, I want to briefly honor State Patrol Trooper Jerry Smith who lost his life in a tragic crash last year. He was the first trooper we’ve lost in the line of duty in the last 20 years. From the sands of war-torn Iraq to the highways and byways of Nebraska, Trooper Smith’s life was distinguished by service—a service rooted in his deep love for his family, his community, his state, and his country. While his family was not able to be here today, please help me recognize his sacrifice, and the bravery of all the great men and women who serve in our law enforcement agencies.

Even though the floodwaters subsided and communities pulled together to rebuild, the events of the last year have compounded challenges for ag producers in our state’s largest industry. In addition to the flooding, we experienced several other major events. A fire at a beef processing plant in Kansas depressed beef prices and hit our ranch families hard. An irrigation tunnel collapsed in eastern Wyoming, threatening our state’s sugar beet industry and hundreds of farm operations. Trade uncertainty has shifted our focus towards diversifying markets for Nebraska’s ag producers. And our
continued battle to enforce a robust Renewable Fuel Standard has made for a difficult year for corn growers.

As agriculture works to power through these tough times, each of us has a duty to be a voice for our farm and ranch families whether we come from a rural background or an urban one.

Even with these challenges, Nebraska has been able to achieve several significant milestones in the last twelve months.

In spite of unprecedented flooding and other unforeseen challenges, I’m happy to report that the state of the state is strong, resilient, and growing!

In 2019, Nebraska outpaced the national rate for GDP growth.

In March, Nebraska marked the first month ever that one million unique individuals have been employed in our state.

And in October, we added over 15,000 new jobs, which is the fastest year-over-year job growth since 2015.

Our team at the State of Nebraska has been working hard to support new growth. Over the past year, we’ve used our four pillars of prosperity to grow Nebraska and deliver on our mission of making state government more effective, more efficient, and more customer-focused.

We have connected numerous Nebraskans with great jobs and opportunities, launched new kinds of apprenticeships with CLAAS and Graepel, expanded registered apprenticeships, and created new Developing Youth Talent Initiative programming.

We continue to lead the nation in running government like a business. In September, Harvard spotlighted the great work our Center of Operational Excellence is doing to put our customers first, cut wait times, and eliminate waste.

Together, we increased the Property Tax Credit Relief Fund by over 20 percent to $275 million annually, or almost double what it was before I took office.

And I led trade missions to Mexico, Vietnam, Japan, and Germany to promote Nebraska’s quality products and to recruit new investment to our state.

These strategies have been key in bringing great opportunities here to the Good Life. Companies such as Costco, Google, Facebook, and Veramaris invested in our state. Investments like these helped us win our third consecutive Governor’s Cup award for the most new investments per capita of any state in the nation.
Before I talk about legislative priorities, I want to take a moment to make a special announcement. Nebraska is not just a leader in growing job opportunities, but also in our work in the area of child welfare. You may have noticed that my lovely wife Susanne is not here today. She is in Seattle with Casey Family Programs accepting the foundation’s Jim Casey Building Communities of Hope Award on behalf of our great state. Nebraska is receiving this national award because of the incredible work that private and public agencies have been doing through the Bring Up Nebraska initiative. This work is helping produce better outcomes for our children. Thanks in part to this work, the number of children in need of foster care in Nebraska has decreased by 18 percent over the last two years, helping to keep more children and families together. Please help me thank the Nebraska Children and Families Foundation and all the incredible partners who have invested so deeply in Bring Up Nebraska, our kids, and our families!

Now, let’s turn to the legislative session, and what we can do to grow our state and keep Nebraska strong. Just a short eight months ago, we collaborated together on a two-year budget that set priorities for this year and next.

With the exception of a couple emergent priorities, I expect state agencies and our partners to manage within this two-year budget. Not including property tax relief, the budget adjustments I am presenting to you today continue to control spending and limit budget growth to about 2.9 percent over the biennium.

A strong finish to the last fiscal year helped us rebuild our cash reserve and has created the opportunity for us to work on key priorities for the people of Nebraska.

In October, the state’s forecasting board raised its revenue projection by $266 million for the current and upcoming fiscal year combined.

With this fiscal framework in mind, I have four major priorities I am presenting to you today.

First, property tax relief. Property tax relief remains the top priority for the people of Nebraska and it’s my number one priority. Last year, we successfully increased the Property Tax Credit Relief Fund from the state to the people of Nebraska by over 20 percent. This was a step in the right direction, but more must be done.

Today, I am recommending roughly $500 million in property tax relief over the next three years to help our farmers, ranchers, home owners, and businesses. I will be working closely with Senator Linehan and the Revenue Committee to direct this relief in a way that will make a difference in the local property tax bills Nebraskans pay.
As we work together, I have three principles I am following: No tax increases, protect the Property Tax Credit Relief Fund, and encourage spending restraint in local governments just like we are doing at the state.

We need local spending restraint because, over the last 10 years, local governments have raised local property taxes 54 percent while inflation only grew at 17 percent.

Second, flood relief. Communities across Nebraska have been rebuilding, but there’s still a long way to go. The federal government will step up to provide significant support, but the state must do our part as well. Eighty-four counties and five tribal nations have submitted over $400 million in disaster relief projects to the Federal Emergency Management Agency.

My recommendation includes $50 million to address the state’s share of these projects and another $9.2 million to aid the counties most severely impacted by the disaster. I am also recommending an additional $3 million to maintain an adequate balance in the Governor’s Emergency Fund, so the state is prepared to address any future events.

Third, we need to do more to retain our veterans. Veterans continue to contribute to our communities and our economy after they complete their service. Nebraska is the only state in our region whose veterans’ population is declining in part because we tax retirement benefits. This week, you voted 46-0 for military retirement tax relief. I want to thank you for advancing LB 153, and encourage you to deliver this tax relief that will help us retain our veterans.

Fourth, workforce and business expansion. These twin issues need ongoing work in both the public and private sector.

Connecting the next generation of Nebraskans to great opportunities in our state is key to helping our kids make Nebraska their home. I am proposing that we invest $16 million in scholarships for students at our community colleges, state colleges, and University system to help connect the next generation of Nebraskans with great careers in fields ranging from math and engineering to healthcare and IT.

I also want to acknowledge University of Nebraska President Ted Carter who has joined us here today – we look forward to working with you as you lay out your vision for our University system!

My recommendations also include funding for LB 720, which would refine Nebraska’s business incentives. It is critical that incentives are dealt with this legislative session, so Nebraska can remain competitive nationally as we work to recruit and expand job opportunities.
And finally on the topic of workforce, I am recommending $8 million to attract and retain quality teammates in Corrections. This will support the new agreement recently reached with the Corrections Officer union. As we implement this agreement, Director Frakes and I continue to look at next steps for the agency and what we need to do to keep our people and communities safe.

Property tax relief. Flood relief. Veterans tax relief. And growing our people and businesses. These are four ways we can keep Nebraska strong and growing in 2020.

I know that there will be tough debates. Long nights. And an unpredictable journey ahead.

But I also know that the citizen legislators gathered here today can get the job done when everyone rolls up their sleeves and works together.

Before I close, I want to recognize the State Senators who are completing their final session. Each of these individuals has devoted the last seven years to serving their district and our state. Senators Bolz, Chambers, Crawford, Howard, Kolowski, and especially Jim Scheer, who has provided tremendous leadership for the State of Nebraska as Speaker of the Legislature. Would you all please stand? Thank you for your service!

This year also marks an important milestone. It is the 100th anniversary of women's suffrage. I want to recognize all the female legislators who have stepped up to serve our state. Would you please stand and be recognized?

Once again, thank you all for your service to the people of Nebraska. Our work in the coming days will take a spirit of collaboration and cooperation for each of us to do our part to keep Nebraska strong. I look forward to the days ahead.

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 1008.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, sections 23, 24, 49, 50, 51, 92, 98, 99, 102, 105, 108, 110, 130, 147, 169, 170, 200, 207, 215, 216, 217, and 244; and Laws 2019, LB297, sections 31 and 43; to define and redefine terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary
education, and capital construction; to provide for transfers of funds; to require reports; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1009.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-222 and 61-224, Reissue Revised Statutes of Nebraska, and section 84-1227, Revised Statutes Supplement, 2019; to provide for transfers of funds; to repeal a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 46-752, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1010.** 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 Supplement, 2019; to authorize transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1011.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to hospitals; to amend section 71-401, Reissue Revised Statutes of Nebraska; to provide a duty for hospitals; to provide an operative date; and to repeal the original section.

**GENERAL FILE**

**LEGISLATIVE BILL 740.** 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.

**LEGISLATIVE BILL 741.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 582.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 381.** Title read. Considered.

Committee AM207, found on page 578, First Session, 2019, was offered.

Senator B. Hansen offered his amendment, AM2075, found on page 280, to the committee amendment.
The B. Hansen amendment was adopted with 35 ayes, 0 nays, 11 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 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 477.** Title read. Considered.

Senator Vargas offered his amendment, [AM2098](#), found on page 302.

The Vargas amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 477A.** 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.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1012.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to property taxes; to amend section 77-202.03, Revised Statutes Supplement, 2019; to change provisions relating to tax exemptions for property acquired by certain tax-exempt entities; and to repeal the original section.

**LEGISLATIVE BILL 1013.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to tobacco; to amend section 77-2602.05, Reissue Revised Statutes of Nebraska; to change provisions relating to a cigarette tax and exempt transactions; to repeal the original section; and to declare an emergency.

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

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

Senator Hunt name added to LB848.
Senator Kolterman name added to LB853.
Senator Kolterman name added to LB899.
Senator Gragert name added to LB946.
Senator M. Hansen name added to LR294.

VISITOR(S)

Visitors to the Chamber were Senator Bostelman's wife, Jan; and Paul Turman, Gary Bieganski, and John Chaney from the Nebraska State College System and state college presidents, Drs. Randy Rhine, Dan Hanson, and Marysz Rames.

RECESS

At 11:43 a.m., on a motion by Senator Halloran, 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 Stinner and Wayne who were excused; and Senators Friesen, B. Hansen, Hilkemann, Linehan, Morfeld, Murman, and Pansing Brooks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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<thead>
<tr>
<th>LB/LR</th>
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<td>LB886</td>
<td>Banking, Commerce and Insurance (referred)</td>
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<td>LB975</td>
<td>Judiciary</td>
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<td>LB977</td>
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<td>Revenue</td>
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<tr>
<td>LB988</td>
<td>Banking, Commerce and Insurance</td>
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</table>
MESSAGE(S) FROM THE GOVERNOR

January 15, 2020

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 Game and Parks Commission:

Dan C. Kreitman, 1689 County Road E, Wahoo, NE 68056

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 15, 2020

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 Beginning Farmer Board:

Britt D. Anderson, 77675 Road 414, Gothenburg, NE 69138

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

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Wednesday, January 22, 2020 1:30 p.m.
LB756
LB823
LB844
LB871
LB882
LB884
LB940

Thursday, January 23, 2020 1:30 p.m.
LB776
LB777
LB881
LB906
LB912
LB934
LB969

Friday, January 24, 2020 1:30 p.m.
LB868
LB869
LB914
LB925
LB938
(Signed) Steve Lathrop, Chairperson
Agriculture
Room 1524

Tuesday, January 28, 2020 1:30 p.m.
LB803
LB972

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator McDonnell.

GENERAL FILE

LEGISLATIVE BILL 68. Title read. Considered.
Committee AM334, found on page 704, First Session, 2019, was offered.

Senator M. Hansen offered the Wayne amendment, AM2097, found on page 298, to the committee amendment.

The Wayne amendment was adopted with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

The Wayne amendment, AM1988, found on page 176, was withdrawn.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.
Committee AM356, found on page 705, First Session, 2019, 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 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 9. Title read. Considered.

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

Senator Blood requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 13:

Blood      DeBoer      Hunt       Pansing Brooks  Wishart
Cavanaugh   Hansen, M.  McDonnell  Vargas
Crawford    Howard      Morfeld    Walz

Voting in the negative, 17:

Albrecht    Erdman      Hughes     Moser         Williams
Brewer      Gragert     Kolterman  Murman
Clements    Halloran    Lindstrom  Scheer
Dorn        Hilgers     Lowe       Slama

Present and not voting, 12:

Bolz        Chambers    Groene     Linehan
Brandt      Friesen     La Grone   McCollister
Briese      Geist       Lathrop   Quick

Excused and not voting, 7:

Arch        Hansen, B.  Kolowski   Wayne
Bostelman   Hilkenmann  Stinner

Failed to advance to Enrollment and Review Initial with 13 ayes, 17 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Thursday, January 23, 2020 1:30 p.m.
LB811
LB755
LB828

(Signed)  Sara Howard, Chairperson
AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB310:

AM2099 (Amendments to Standing Committee amendments, AM739)

1. Insert the following new section:
2 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
amended to read:
3 77-5601 (1) From August 1, 2004, through October 31, 2004, there
4 shall be conducted a tax amnesty program with regard to taxes due and
5 owing that have not been reported to the Department of Revenue. Any
6 person applying for tax amnesty shall pay all unreported taxes that were
7 due on or before April 1, 2004. Any person that applies for tax amnesty
8 and is accepted by the Tax Commissioner shall have any penalties and
9 interest waived on unreported and delinquent taxes notwithstanding any
10 other provisions of law to the contrary.
11 (2) To be eligible for the tax amnesty provided by this section, the
12 person shall apply for amnesty within the amnesty period, file a return
13 and conduct a public awareness campaign prior to the amnesty period. Tax
14 amnesty shall not be available for any person that is under civil or
15 criminal audit, investigation, or prosecution for unreported or
16 delinquent taxes by this state or the United States Government on or
18 (3) The department shall not seek civil or criminal prosecution
19 against any person for any taxable period for which amnesty has been
20 granted. The Tax Commissioner shall develop forms for applying for the
21 tax amnesty program, develop procedures for qualification for tax
22 amnesty, and conduct a public awareness campaign publicizing the program.
23 (4) If a person elects to participate in the amnesty program, the
24 election shall constitute an express and irrevocable relinquishment of
25 all administrative and judicial rights to challenge the imposition of the
26 tax or its amount. Nothing in this section shall prohibit the department
27 from adjusting a return as a result of any state or federal audit.
28 (5) (a) Except for any local option sales tax collected and returned
29 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
30 and compressed fuel taxes, which shall be deposited in the Highway Trust
31 Fund or Highway Allocation Fund as provided by law, no less than eighty
32 percent of all revenue received pursuant to the tax amnesty program shall
33 be deposited in the General Fund and ten percent, not to exceed five
34 hundred thousand dollars, shall be deposited in the Department of Revenue
35 Enforcement Fund. Any amount that would otherwise be deposited in the
36 Department of Revenue Enforcement Fund that is in excess of the five-
37 hundred-thousand-dollar limitation shall be deposited in the General
38 Fund.
39 (b) For fiscal year 2005-06, all proceeds in the Department of
40 Revenue Enforcement Fund shall be appropriated to the department for
41 purposes of employing investigators, agents, and auditors and otherwise
42 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.
43 (c) For fiscal years after fiscal year 2005-06, twenty percent of
44 all proceeds received during the previous calendar year due to the
45 efforts of auditors and investigators hired pursuant to subdivision (5)
46 of this section, not to exceed seven hundred fifty thousand dollars,
47 shall be deposited in the Department of Revenue Enforcement Fund for
48 purposes of employing investigators and auditors or continuing such
49 employment for purposes of increasing enforcement of the act.
50 (d) Ten percent of all proceeds received during each calendar year
51 due to the contracts entered into pursuant to section 77-367 shall be
52 deposited in the Department of Revenue Enforcement Fund for purposes of
53 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
54 improper or fraudulent payments.
55 (6) (a) The department shall prepare a report by April 1, 2005, and
56 annually thereafter detailing the results of the tax
57 amnesty program and the subsequent enforcement efforts. For the report
58 due April 1, 2005, the report shall include (i) the amount of revenue
6 obtained as a result of the tax amnesty program broken down by tax
7 program, (ii) the amount obtained from instate taxpayers and from out-of-
8 state taxpayers, and (iii) the amount obtained from individual taxpayers
9 and from business enterprises.
10 (b) For reports due in subsequent years, the report shall include
11 (i) the number of personnel hired for purposes of subdivision (5)(b) of
12 this section and their duties, (ii) a description of lists, software,
13 programming, computer equipment, and other technological methods acquired
14 and the purposes of each, and (iii) the amount of new revenue obtained as
15 a result of the new personnel and acquisitions during the prior calendar
16 year, broken down into the same categories as described in subdivision
17 (6)(a) of this section.
18 (7) The Department of Revenue Enforcement Fund is created. Transfers
19 may be made from the Department of Revenue Enforcement Fund to the
20 General Fund at the direction of the Legislature. The Department of
21 Revenue Enforcement Fund may receive transfers from the Civic and
22 Community Center Financing Fund at the direction of the Legislature for
23 the purpose of administering the Sports Arena Facility Financing
24 Assistance Act. The Department of Revenue Enforcement Fund shall include
25 any money credited to the fund (a) under section 77-2703, and such money
26 shall be used by the Department of Revenue to defray the costs incurred
27 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
28 Device Tax Act, and such money shall be used by the department to defray
29 the costs incurred to implement and enforce Laws 2019, LB538, and any
30 rules and regulations adopted and promulgated to carry out Laws 2019,
31 LB538, and (c) under section 77-2906, and such money shall be used by the
32 Department of Revenue to defray the costs incurred to implement this
33 legislative bill. Any money in the Department of Revenue Enforcement Fund
34 available for investment shall be invested by the state investment
35 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
36 State Funds Investment Act.
37 (8) For purposes of this section, taxes mean any taxes collected by
38 the department, including, but not limited to state and local sales and
39 use taxes, individual and corporate income taxes, financial institutions
40 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
41 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.
42 1. On page 3, strike lines 19 through 22 and insert:
43 “(b) A fee equal to six-tenths of one percent of the credit amount.
44 2. The department shall remit such fees to the State Treasurer for credit to
45 the Department of Revenue Enforcement Fund.”.
46 3. Renumber the remaining section and correct the repealer
47 accordingly.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 30.** Placed on Select File with amendment.

ER138

1. In the Standing Committee amendments, AM302:
2. a. On page 1, line 6, after "19" insert "of this act"; and
3. b. On page 4, line 5, after the semicolon insert "and".

**LEGISLATIVE BILL 93.** Placed on Select File with amendment.

ER139

1. On page 1, line 1, strike "civil procedure; to amend section
2. 25-328" and insert "paternity; to amend section 43-1411".

(Signed) Julie Slama, Chairperson
BILLS ON FIRST READING

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

LEGISLATIVE BILL 1014. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 44-7601, 44-7603, 44-7604, 44-7605, 44-7606, 44-7612, 44-7614, and 44-7617, Reissue Revised Statutes of Nebraska; to change the Multiple Employer Welfare Arrangement Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1015. Introduced by Briese, 41.

A BILL FOR AN ACT relating to time; to amend sections 32-908, 49-1301, 49-1302, and 81-1323, Reissue Revised Statutes of Nebraska, and section 81-1328, Revised Statutes Cumulative Supplement, 2018; to provide for year-round daylight saving time as prescribed; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to labor; to amend sections 48-1228 and 48-1231, Revised Statutes Cumulative Supplement, 2018, and section 48-1234, Revised Statutes Supplement, 2019; to change the Nebraska Wage Payment and Collection Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Geist, 25; Bolz, 29; Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for problem-solving courts for mental health.

LEGISLATIVE BILL 1018. Introduced by Vargas, 7; Cavanaugh, 6; Hansen, M., 26; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for local public health departments as prescribed.

GENERAL FILE

LEGISLATIVE BILL 148. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM421, found on page 710, First Session, 2019, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.
The Wayne amendment, FA33, found on page 988, First Session, 2019, was withdrawn.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 594.** Title read. Considered.

Committee AM313, found on page 740, First Session, 2019, was offered.

Senator Brewer offered the following motion:

**MO118**
Recommit to the Agriculture Committee.

**PRESIDENT FOLEY PRESIDING**

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1019.** Introduced by Vargas, 7; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for federally qualified health centers as prescribed.

**LEGISLATIVE BILL 1020.** Introduced by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Fair Housing Act; to amend sections 20-139, 20-301, 20-317, 20-318, 20-320, 20-321, 20-322, and 20-325, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to discrimination; and to repeal the original sections.

**LEGISLATIVE BILL 1021.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2108, 18-2110, 18-2111, 18-2112, 18-2114, 18-2117, and 77-1704.01, Reissue Revised Statutes of Nebraska, sections 18-2109, 18-2113, 18-2115, 18-2116, 18-2117.01, and 18-2147, Revised Statutes Cumulative Supplement, 2018, and section 18-2101, Revised Statutes Supplement, 2019; to provide for an expedited review of certain redevelopment plans under the Community Development Law; to exempt such redevelopment plans from certain requirements; to harmonize provisions; and to repeal the original sections.
NOTICE OF COMMITTEE HEARING(S)
Business and Labor
Room 1524

Monday, January 27, 2020 1:30 p.m.
LB888
LB963
LB846
LB926

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Linehan name added to LB903.
Senator Wayne name added to LB924.

WITHDRAW - Cointroducer(s)

Senator Hunt name withdrawn from LB934.

VISITOR(S)

The Doctor of the Day was Dr. Patrick Hotovy from York.

ADJOURNMENT

At 4:56 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Thursday, January 16, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTH DAY - JANUARY 16, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 2020

PRAYER

The prayer was offered by Pastor Albert Longe, Oxford United Methodist 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 Moser and Wayne who were excused; and Senators Cavanaugh and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 206. Placed on Select File with amendment.

ER140
1 1. In the Standing Committee amendments, AM430, on page 2, line 30,
2 before "For" insert "(1)".
3 2. On page 1, line 4, strike "to provide immunity for schools;".

LEGISLATIVE BILL 230. Placed on Select File with amendment.

ER141
1 1. On page 1, strike beginning with "section" in line 1 through line
2 5 and insert "sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134.01,
3 Revised Statutes Cumulative Supplement, 2018; to change provisions and
4 provide requirements for room confinement for juveniles as prescribed; to
5 harmonize provisions; and to repeal the original sections."

(Signed) Julie Slama, Chairperson
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 2020, 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

Behrens, Mark A.
   Nationwide Mutual Insurance Company (Withdrawn 01/15/2020)
DeRossett, Dennis M.
   Nebraska Press Association
Hubly, Justin
   Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Strategies
   Keith County Area Development
O'Hara Lindsay & Associates, Inc.
   Coburn Construction, LLC
   Imagine Nebraska Coalition
Schuller, Lynne
   Nebraska Horsemen's Benevolent and Protective Association
   Nebraska Propane Gas Association

REPORTS

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

MOTION(S) - Withdraw LB765

Senator Lindstrom offered his motion, MO116, found on page 309, to withdraw LB765.

The Lindstrom motion to withdraw the bill prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 594. Considered.

Senator Blood requested to pass over LB594.
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Friday, January 24, 2020 1:30 p.m.
LB834
LB772
LB817

(Signed) Sara Howard, Chairperson
Education
Room 1525

Monday, January 27, 2020 1:30 p.m.
LB950
LB998

(Signed) Mike Groene, Chairperson
Transportation and Telecommunications
Room 1113

Tuesday, January 28, 2020 1:30 p.m.
LB961
LB771
LB789

(Signed) Curt Friesen, Chairperson
Natural Resources
Room 1525

Thursday, January 23, 2020 1:30 p.m.
Jeff T. Kanger - Nebraska Environmental Trust Board
LB899
LB856

(Signed) Dan Hughes, Chairperson
MOTION(S) - Print in Journal

Senator Brewer filed the following motion to LR285CA:

MO120
Withdraw resolution.

BILLS ON FIRST READING

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


A BILL FOR AN ACT relating to elections; to amend sections 11-119, 11-125, 11-126, 22-417, 32-207, 32-211, 32-213, 32-214, 32-217, 32-218, 32-219, 32-242, 32-555, 32-615, 32-811, 32-1049, and 32-1201, Reissue Revised Statutes of Nebraska, sections 11-105, 11-115, 23-2518, and 32-208, Revised Statutes Cumulative Supplement, 2018, and sections 23-405 and 32-101, Revised Statutes Supplement, 2019; to provide for election of election commissioners; to change and eliminate provisions related to official bonds, consolidation of county offices, deputy county clerks for elections, civil service commissions, chief deputy election commissioners, removal from office, and vacancies; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-209 and 32-210, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1023. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to special education; to amend section 79-1142, Revised Statutes Supplement, 2019; to adopt the Extraordinary Increase in Special Education Cost Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by Clements, 2.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4305, 44-4306, 44-4307, and 44-4311, Reissue Revised Statutes of Nebraska; to subject risk management pools to the Unfair Insurance Trade Practices Act; to change provisions relating to the board of directors of a risk management pool; to provide procedures for dissolution as prescribed; to provide for issuance of corrective orders; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1025. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5701, Reissue Revised Statutes of Nebraska; to create the Tax Credit Buy-Back Program; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 1026. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 305. Title read. Considered.

Committee AM592, found on page 777, First Session, 2019, was offered.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Senator Cavanaugh 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 committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1027. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to adopt the County Court Special Proceedings Act.

LEGISLATIVE BILL 1028. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to small claims; to amend section 25-2804, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions in Small Claims Court; and to repeal the original sections.

LEGISLATIVE BILL 1029. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to court records; to amend sections 24-1004 and 24-1005, Reissue Revised Statutes of Nebraska; to change provisions relating to preservation of court records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section
29-2702. Reissue Revised Statutes of Nebraska; to change provisions relating to forfeited recognizances, fines, or costs; and to repeal the original section.

**LEGISLATIVE BILL 1031.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2414, 30-2416, and 30-2426, Reissue Revised Statutes of Nebraska; to change provisions relating to applications and proof and findings in informal probate or appointment proceedings and petitions in formal testacy or appointment proceedings; and to repeal the original sections.

**LEGISLATIVE BILL 1032.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1301 and 25-1301.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to civil judgments; and to repeal the original sections.

**LEGISLATIVE BILL 1033.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change the distribution of certain sales and use tax revenue as prescribed; to create a fund; to authorize the use of funds for certain infrastructure projects; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1034.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5735, Reissue Revised Statutes of Nebraska, and section 77-5725, Revised Statutes Supplement, 2019; to extend application deadlines; to change provisions relating to certain tax credits; to provide for the applicability of changes; and to repeal the original sections.

**LEGISLATIVE BILL 1035.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to change the number of legislative districts; and to repeal the original section.

**LEGISLATIVE BILL 1036.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the age of majority; to amend section 43-2101, Revised Statutes Supplement, 2019; to allow persons eighteen years of age and older to make health care decisions as prescribed; to allow persons under nineteen years of age who are committed to the Department of Correctional Services to consent to mental health services, medical care, and related services as prescribed; and to repeal the original section.
LEGISLATIVE BILL 1037. Introduced by Hunt, 8; Cavanaugh, 6; Vargas, 7.

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 participation in the Supplemental Nutrition Assistance Program; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Hunt, 8; Cavanaugh, 6; Vargas, 7.

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 1039. Introduced by Cavanaugh, 6; Hunt, 8; Vargas, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-10,137, Reissue Revised Statutes of Nebraska; to adopt the Hunger-Free Schools Act; to restate legislative findings; to eliminate provisions relating to reimbursement for school breakfast programs; to repeal the original section; and to outright repeal sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1040. Introduced by Vargas, 7; Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Revised Statutes Cumulative Supplement, 2018; to provide for a state food insecurity nutrition incentive grant program; to provide duties for the Department of Agriculture; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1406, Reissue Revised Statutes of Nebraska, and section 29-1407.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to grand jury transcripts; to provide for rules; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by La Grone, 49; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-3,110, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska, and sections 77-2716, 85-1802, and 85-1807, Revised Statutes Supplement, 2019; to change provisions relating to the Department
of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; 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 redefine qualified higher education expenses for purposes of the Nebraska educational savings plan trust; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1043. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-2085, 71-2086, 71-2087, 71-2092, 71-2093, and 71-2094, Reissue Revised Statutes of Nebraska; to change provisions relating to receivers and receivership; and to repeal the original sections.

LEGISLATIVE BILL 1044. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Nutrition Therapy Practice Act; to amend section 38-1813, Reissue Revised Statutes of Nebraska; to provide for the independent provision of a therapeutic diet order; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Brandt, 32; Chambers, 11; DeBoer, 10; Dorn, 30; Friesen, 34; Halloran, 33; Hilkemann, 4; Kolowski, 31; Morfeld, 46; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to tax incentive programs; to amend sections 77-27,119, 77-27,187.02, and 77-5723, Reissue Revised Statutes of Nebraska, sections 84-602.01 and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 77-2711 and 84-602.04, Revised Statutes Supplement, 2019; to change provisions relating to the disclosure and confidentiality of information on tax incentive programs; to change the Taxpayer Transparency Act to require the posting and reporting of information relating to tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1046. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to community antenna television service; to amend sections 18-2204 and 23-386, Reissue Revised Statutes of Nebraska; to change provisions relating to certain taxes and fees on community antenna television service; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to counties; to amend section 23-1605, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to semiannual statements of county treasurers; to repeal the original section; and to outright repeal sections 23-1606 and 23-1607,
Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1048.** Introduced by Quick, 35; Cavanaugh, 6; Hansen, M., 26; McCollister, 20; McDonnell, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to child abuse or neglect; to amend section 28-713.01, Reissue Revised Statutes of Nebraska, and sections 28-710 and 28-713, Revised Statutes Supplement, 2019; to provide for notification regarding child abuse or neglect to the Commissioner of Education when the subject is a school employee; to define terms; to create the offense of sexual assault by a school employee; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 1049.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Supplement, 2019; to provide for participation in the federal Child Care Subsidy child care assistance program; to provide for termination of participation; to state intent regarding funding; and to repeal the original section.

**LEGISLATIVE BILL 1050.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Coordinating Commission for Postsecondary Education for the Nebraska Opportunity Grant Program.

**LEGISLATIVE BILL 1051.** Introduced by Wishart, 27; Williams, 36.

A BILL FOR AN ACT relating to nursing facilities; to create a fund; to provide for grants; and to provide powers and duties.

**LEGISLATIVE BILL 1052.** Introduced by Wishart, 27.

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.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs
Room 1510

Monday, January 27, 2020 1:30 p.m.
LB943
LB798
LB980
Cameron J. Arch - Nebraska Commission on Problem Gambling
Claudia Louise Barthold - Nebraska Commission on Problem Gambling
Mark R. Canada - Nebraska Commission on Problem Gambling

(Signed) Tom Briese, Chairperson

Revenue
Room 1524

Thursday, January 23, 2020 2:30 p.m.
LB747
LB879

Friday, January 24, 2020 1:30 p.m.
LB818
LB841
LB952

(Signed) Lou Ann Linehan, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR282 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB534.
Senator Cavanaugh name added to LB748.

VISITOR(S)

 Visitors to the Chamber were Gadiel Salinas from Omaha; Roberta Pinkerton and members of Leadership Nebraska Class 12 from across the state; and Deb Neary.

The Doctor of the Day was Dr. Steven M. Williams from Omaha.
ADJOURNMENT

At 11:33 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Tuesday, January 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTH DAY - JANUARY 21, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 2020

PRAYER

The prayer was offered by Pastor Jon Haizlip, One Life 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 Kolowski who was excused; and Senators Bolz, Slama, Wayne, and Wishart 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:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tbody>
<tr>
<td>LB973</td>
<td>Urban Affairs (rereferred)</td>
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<tr>
<td>LB993</td>
<td>Urban Affairs</td>
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<tr>
<td>LB1000</td>
<td>General Affairs</td>
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<td>LB1008</td>
<td>Appropriations</td>
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<tr>
<td>LB1009</td>
<td>Appropriations</td>
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MOTION(S) - Print in Journal

Senator Blood filed the following motion to LB1000:

MO121
Withdraw bill.

Senator Erdman filed the following motion to LB947:

MO122
Withdraw bill.

MOTION(S) - Suspend Rules

Senator Kolterman offered the following motion:
Suspend the rules, Rule 5, Sec. 15(a), to permit the introduction of a new bill, Req. 4532.

The Kolterman motion to suspend the rules prevailed with 41 ayes, 0 nays, 3 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 1053. 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 the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to require rules and regulations for hospital and nursing facility reimbursement rates; to
harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1054.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-932, 84-1317, 84-1320, and 84-1321, Reissue Revised Statutes of Nebraska, sections 23-2301, 23-2315, 23-2319, 24-701, 24-708, 81-2014, 81-2025, and 84-1301, Revised Statutes Cumulative Supplement, 2018, and sections 23-2317, 79-902, and 84-1319, Revised Statutes Supplement, 2019; to define required beginning date and change deferment of payment provisions under the County Employees Retirement Act, Judges Retirement Act, School Employees Retirement Act, Nebraska State Patrol Retirement Act, and State Employees Retirement Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**MOTION(S) - Withdraw LR285CA**

Senator Brewer offered his motion, [MO120](#), found on page 332, to withdraw LR285CA.

The Brewer motion to withdraw the resolution prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 305.** Committee [AM592](#), found on page 777, First Session, 2019, and considered on page 333, was renewed.

Senator B. Hansen offered the following amendment to the committee amendment: [FA91](#) Strike Sec. 9 from AM592.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?"

Senator Morfeld moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 18:

<table>
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<tr>
<th>Blood</th>
<th>Crawford</th>
<th>Hunt</th>
<th>Morfeld</th>
<th>Walz</th>
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<tr>
<td>Bolz</td>
<td>DeBoer</td>
<td>Lathrop</td>
<td>Pansing</td>
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<td>Cavanaugh</td>
<td>Hansen, M.</td>
<td>McCollister</td>
<td>Quick</td>
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<td>Chambers</td>
<td>Howard</td>
<td>McDonnell</td>
<td>Vargas</td>
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Voting in the negative, 25:

Albrecht  Briese  Geist  Hilgers  Moser
Arch  Clements  Gragert  Hilkemann  Murman
Bostelman  Dorn  Groene  Hughes  Scheer
Brandt  Erdman  Halloran  Lindstrom  Slama
Brewer  Friesen  Hansen, B.  Lowe  Stinner

Present and not voting, 4:

Kolterman  La Grone  Linehan  Williams

Excused and not voting, 2:

Kolowski  Wayne

The motion to cease debate failed with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 287, 289, 290, 291, and 293 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 287, 289, 290, 291, and 293.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 322. Placed on Select File with amendment.

ER142
1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 740. Placed on Select File.

LEGISLATIVE BILL 741. Placed on Select File.

LEGISLATIVE BILL 582. Placed on Select File with amendment.

ER143
1. on page 1, line 3, strike "possession of a stolen firearm" and
2 insert "stolen firearms; to provide a penalty".

(Signed) Julie Slama, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Urban Affairs
Room 1510

Tuesday, January 28, 2020 1:30 p.m.
LB870
LB797
LB957
LB993
LB809
LB824
LB800

(Signed) Megan Hunt, Vice Chairperson
Education
Room 1525

Tuesday, January 28, 2020 1:30 p.m.
Dorothy C. Anderson - Nebraska Educational Telecommunications Commission
Jacque Carter - Nebraska Educational Telecommunications Commission
Glenn R. Wilson - Board of Educational Lands and Funds
LB965
LB839

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 297. Introduced by Hilkemann, 4.

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 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 its two-hundred-thirty-two-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 the legislatures 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, 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, over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on the aforesaid resolutions, indeed may not even be aware of their contents; and

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

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

WHEREAS, former Chief Justice of the Supreme Court Warren E. Burger, former Associate Justice of the Supreme Court Arthur Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, thereby creating imminent peril to the well-established rights of citizens and the duties of various levels of government.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States included in this resolution shall be automatically rescinded if the convention is not called on or before January 1, 2021.

2. That any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted to the Nebraska legislature during or after the current legislative session shall be automatically rescinded if the convention is not called on or before the seventh anniversary of the date the last legislative vote is taken on the application.

3. That the members of the Legislature urge the members of other state legislatures, which have previously requested for Congress to convene a constitutional convention, to establish a date at which prior applications that are no longer relevant to the state's interests will be rescinded.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR297 was referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1055. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-960, Reissue Revised Statutes of Nebraska; to change provisions relating to voting by mail in certain counties; and to repeal the original section.

LEGISLATIVE BILL 1056. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-129, and 53-134, Revised Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised Statutes Supplement, 2019; to change provisions related to farm wineries; to provide for temporary expansion of licensed premises as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to counties; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change provisions regarding appeals of decisions by county planning commissions or county boards
regarding conditional uses or special exceptions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1058.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Population Health Information Act.

**LEGISLATIVE BILL 1059.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-433, Reissue Revised Statutes of Nebraska; to change provisions relating to an application for licensure to operate a health care facility or a health care service; and to repeal the original section.

**LEGISLATIVE BILL 1060.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Cumulative Supplement, 2018; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1061.** Introduced by Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to the Child Protection and Family Safety Act; to amend sections 28-710.01, 43-4331, and 71-3405, Reissue Revised Statutes of Nebraska, sections 28-712 and 28-712.01, Revised Statutes Cumulative Supplement, 2018, and sections 28-710 and 28-713, Revised Statutes Supplement, 2019; to define and redefine terms; to restate intent; to change provisions relating to the handling of reports of child abuse or neglect and alternative response; to provide powers and duties for the Nebraska Children's Commission and the Department of Health and Human Services; to provide standards for the assignment or transfer of reports to alternative response or traditional response and for temporary living arrangements in non-court-involved cases; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1062.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-801, Reissue Revised Statutes of Nebraska; to provide for a predischarge reentry pilot program; to provide a termination date; to exempt the program from the Private Prison Contracting Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1063.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the State Treasurer and treasury management; to amend sections 44-2839, 60-549, 72-1250.01, 77-3,119,
LEGISLATIVE BILL 1064. Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, and 28-1427, Revised Statutes Supplement, 2019; to change provisions relating to the sale and use of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1065. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to prescription drugs; to amend sections 38-2871 and 71-2483, Reissue Revised Statutes of Nebraska, sections 38-2866.01, 38-2891, and 38-28,106, Revised Statutes Cumulative Supplement, 2018, and section 38-2891.01, Revised Statutes Supplement, 2019; to change provisions regarding supervision of pharmacy technicians and pharmacy interns and transfer of prescriptions between pharmacies; to provide and change powers of pharmacy technicians; to authorize communication of prescriptions for prescribing practitioners; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to school districts; to amend section 79-414, Reissue Revised Statutes of Nebraska, and sections 79-413 and 79-419, Revised Statutes Cumulative Supplement, 2018; to change provisions for changing school district boundaries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1067. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section
60-6,356, Revised Statutes Cumulative Supplement, 2018; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle; and to repeal the original section.

**LEGISLATIVE BILL 1068.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to interior designers; to amend section 84-617, Reissue Revised Statutes of Nebraska; to adopt the Interior Design Voluntary Registration Act; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1069.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 1070.** Introduced by Murman, 38; Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Reissue Revised Statutes of Nebraska; to change a sales tax exemption relating to agricultural machinery and equipment; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1071.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to wildlife; to amend sections 37-324 and 37-1273, Reissue Revised Statutes of Nebraska; to adopt the Wildlife Damage Recovery Act; to state intent regarding and provide for transfers of funds as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1072.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3226.10 and 2-3226.11, Reissue Revised Statutes of Nebraska; to change provisions authorizing flood protection bonds and use of bond proceeds as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1073.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to school finance; to amend sections 79-1001, 79-1007.11, 79-1015.01, and 79-1016, Revised Statutes Cumulative Supplement, 2018, and sections 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2019; to create the School Financing Review Commission; to provide powers and duties; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to add a new type of aid; to change adjusted valuation for school district and educational service unit aid; 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 eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1074. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1376, 81-15,164, and 81-3722, Reissue Revised Statutes of Nebraska; to change provisions relating to improvements on leased lands and the collection of certain fees and taxes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1075. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-120, Reissue Revised Statutes of Nebraska; to change the net book value of property for taxation as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend sections 85-2003, 85-2004, 85-2005, 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative Supplement, 2018, and section 85-2002, Revised Statutes Supplement, 2019; to change provisions relating to eligible programs; to provide for contracts with two-year colleges as prescribed; to remove a limitation on awards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend section 14-1801, Reissue Revised Statutes of Nebraska, and section 18-802, Revised Statutes Supplement, 2019; to change legislative declarations and findings relating to traffic congestion; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Municipal Inland Port Authority Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1079. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Patrol for processing of sexual assault forensic evidence as prescribed.
LEGISLATIVE BILL 1080. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to schools; to define terms; to prohibit sexual conduct with students and former students as prescribed; and to provide duties.

LEGISLATIVE BILL 1081. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3001 and 29-3003, Reissue Revised Statutes of Nebraska; to change provisions relating to limitation periods for certain claims for postconviction relief; to provide for withdrawal of a plea as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to courts; to amend section 33‑156, Reissue Revised Statutes of Nebraska; to increase the indigent defense fee; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85‑2802 and 85‑2803, Revised Statutes Supplement, 2019; to change provisions relating to the Meadowlark Program as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Kolterman, 24; Blood, 3; Brewer, 43; Cavanaugh, 6; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; Groene, 42; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Transformational Projects Act; and to provide an operative date.

LEGISLATIVE BILL 1085. Introduced by Howard, 9; Albrecht, 17; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Hunt, 8; Linehan, 39; Pansing Brooks, 28; Slama, 1; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,242, 81-8,243, 81-8,246, 81-8,247, 81-8,249, 81-8,250, 81-8,252, 81-8,253, and 81-8,254, Reissue Revised Statutes of Nebraska; to change terminology relating to the Public Counsel; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Hansen, M., 26.
A BILL FOR AN ACT relating to the Election Act; to amend sections 32-103 and 32-1525, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-910, Revised Statutes Supplement, 2019; to define a term; to provide for poll watchers; to provide powers and duties; to provide a penalty; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Committee AM545, found on page 806, First Session, 2019, was offered.

PRESIDENT FOLEY PRESIDING

Senator Hilkemann 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 committee amendment.

The committee amendment was adopted with 30 ayes, 0 nays, 14 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 734A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1087. Introduced by Friesen, 34.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704.02 and 77-1719.03, Reissue Revised Statutes of Nebraska; to change provisions relating to partial payments of property taxes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1088.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,104.02, Revised Statutes Cumulative Supplement, 2018; to provide for personalized message specialty license plates and a fee; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1089.** Introduced by Vargas, 7; Lindstrom, 18; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-729, Reissue Revised Statutes of Nebraska; to add a graduation requirement and provide for waivers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1090.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-134, Revised Statutes Cumulative Supplement, 2018; to authorize local governing bodies to suspend licenses for nonpayment of taxes, fees, or special assessments; to provide duties for local governing bodies and the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1091.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to privacy; to adopt the Face Surveillance Privacy Act.

**LEGISLATIVE BILL 1092.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for contracts for nursing facility services under the medical assistance program; and to declare an emergency.

**LEGISLATIVE BILL 1093.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for contracts for nursing facility services under the medical assistance program; and to declare an emergency.

**LEGISLATIVE BILL 1094.** Introduced by Murman, 38.
A BILL FOR AN ACT relating to child support; to amend section 42-371, Reissue Revised Statutes of Nebraska; to change lien provisions on support order judgments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to counties; to amend section 23-104, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2018; to authorize counties containing a city of the metropolitan class to establish juvenile justice programs and services; to require a report; to provide for ordinances; to harmonize provisions; and to repeal the original sections.


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

LEGISLATIVE BILL 1097. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for problem-solving courts for young adults.

LEGISLATIVE BILL 1098. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 1099. Introduced by Pansing Brooks, 28.

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 create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1100. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for mental health services.

LEGISLATIVE BILL 1101. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change the schedule of compensation for loss or loss of use of more than one specific part of the body from injury or illness resulting in disability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Walz, 15.
A BILL FOR AN ACT relating to appropriations; to provide an appropriation for volunteer emergency medical care providers.


A BILL FOR AN ACT relating to workers' compensation; to amend section 48-139, Revised Statutes Cumulative Supplement, 2018; to change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend section 71-7910.01, Revised Statutes Supplement, 2019; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1105. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-973, Reissue Revised Statutes of Nebraska, and section 68-974, Revised Statutes Supplement, 2019; to restate findings; to state intent; to define and redefine terms; to prohibit extrapolated overpayments; to change provisions regarding recovery audits; and to repeal the original sections.

MOTION(S) - Print in Journal

Senator Wishart filed the following motion to LB953: MO123
Withdraw bill.

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003

Wednesday, January 29, 2020 1:30 p.m.
LB1008
LB1009
LB1010

(Signed) John Stinner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 310A. 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 310, One Hundred Sixth Legislature, Second Session, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB1084.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska State Volunteer Firefighters Association and Nebraska Fire Chiefs Association from across the state; and Kaci Jumps.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:30 a.m., Wednesday, January 22, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
NINTH DAY - JANUARY 22, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 2020

PRAYER

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

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Groene, B. Hansen, McCollister, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, January 29, 2020 1:30 p.m.
LR283CA

Thursday, January 30, 2020 1:30 p.m.
LB911
LB896
LB850

Friday, January 31, 2020 1:30 p.m.
LB790
LB889
LB857

MOTION(S) - Withdraw LB1000

Senator Blood offered her motion, MO121, found on page 342, to withdraw LB1000.
The Blood motion to withdraw the bill prevailed with 34 ayes, 0 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 1106.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to eliminate obsolete sales tax provisions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1107.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Revised Statutes Supplement, 2019; to change provisions relating to notice of preliminary valuations; and to repeal the original section.

**LEGISLATIVE BILL 1108.** Introduced by Gragert, 40.

A BILL FOR AN ACT relating to property; to amend sections 69-1301, 69-1302, 69-1303, 69-1305, 69-1305.01, 69-1307, 69-1307.03, 69-1308, 69-1310, 69-1318, and 69-1322, Reissue Revised Statutes of Nebraska, and sections 76-1416 and 79-956, Revised Statutes Supplement, 2019; to change provisions relating to the Uniform Disposition of Unclaimed Property Act and the School Employees Retirement Act; to provide for donated claims; to change a security deposit provision under the Uniform Residential Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1109.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to provide a sales tax exemption for the furnishing of water service; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1110.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to school district bond elections; to amend section 10-702, Reissue Revised Statutes of Nebraska; to change procedures for calling an election; and to repeal the original section.

**LEGISLATIVE BILL 1111.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to school funding; to amend section 79-1035.02, Reissue Revised Statutes of Nebraska, sections 79-1018.01 and
79-1035, Revised Statutes Cumulative Supplement, 2018, and section 79-1003, Revised Statutes Supplement, 2019; to create a grant program; to create the Nebraska Public-Private Partnership for Common Schools Fund; to change provisions regarding and provide for transfers from the temporary school fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1112. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to forensic testing; to amend section 81-1429.03, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to payment for sexual assault forensic examinations; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska; to change provisions relating to obstruction of a peace officer; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change provisions regarding the election of the board of trustees in certain districts; and to repeal the original section.

LEGISLATIVE BILL 1115. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to real property; to amend section 76-3413, Reissue Revised Statutes of Nebraska; to change provisions relating to the revocation of instruments under the Nebraska Uniform Real Property Transfer on Death Act; and to repeal the original section.

LEGISLATIVE BILL 1116. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403 and 71-6406, Revised Statutes Supplement, 2019; to adopt the New School Construction and Water Access Act; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1117. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105.02, 29-2204.02, and 43-246.01, Reissue Revised Statutes of Nebraska, sections 28-105.01, 29-1816, and 29-2204, Revised Statutes Cumulative Supplement, 2018, and section 43-274, Revised Statutes Supplement, 2019; to change provisions relating to certain criminal sentences; to require consideration of certain factors at sentencing; to change provisions relating to the jurisdiction of county, district, and juvenile
courts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1118.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide for grandparent visitation; and to repeal the original section.

**LEGISLATIVE BILL 1119.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to special elections; to amend section 32-405, Reissue Revised Statutes of Nebraska; to change restrictions on special elections held under the Election Act; and to repeal the original section.

**LEGISLATIVE BILL 1120.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to special elections; to amend section 32-405, Reissue Revised Statutes of Nebraska; to change restrictions on special elections held under the Election Act; and to repeal the original section.

**LEGISLATIVE BILL 1121.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-545 and 79-552, Reissue Revised Statutes of Nebraska, section 32-606, Revised Statutes Cumulative Supplement, 2018, and section 32-552, Revised Statutes Supplement, 2019; to change certain incumbent filing deadlines; to eliminate obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1122.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-1027, Reissue Revised Statutes of Nebraska; to change provisions regarding early voting; and to repeal the original section.

**LEGISLATIVE BILL 1123.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend section 77-2387, Revised Statutes Supplement, 2019; to redefine the term security to include certain student loans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1124.** Introduced by Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Opioid Prevention and Treatment Act.
COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 782. Placed on General File.

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

Anthony Goins - Director - Department of Economic Development


(Signed) Matt Williams, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Wednesday, January 29, 2020 1:30 p.m.
Jan K. tenBensel - Nebraska Ethanol Board
LB855
LB769

(Signed) Dan Hughes, Chairperson

MOTION - Escort Chief Justice

Senator Geist 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 delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Brandt, Hilgers, Lathrop, Pansing Brooks, and Wayne to serve on said committee.

STATE OF THE JUDICIARY ADDRESS

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans.
Thank you to the members of this legislative body, particularly Speaker Scheer, for inviting me to address you this morning. It is once again an honor for me to report on the accomplishments of our Judicial Branch and to discuss our upcoming plans with you.

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 Jonathan Papik, also 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. Justice Stephanie Stacy of Lincoln is unable to be with us this morning.

INTRODUCTION

Today, I will highlight the commitment of Nebraska's Judicial Branch, including juvenile and adult probation, access, outreach, and efficiency.

Access to Justice

A primary goal of the judiciary is access to justice for all Nebraska citizens. To realize that goal, the Nebraska Supreme Court has created an Access to Justice Commission. The purpose of the Commission is to provide equal access to expeditious and fair justice for all Nebraskans, regardless of income, race, ethnicity, gender, disability, age, or language.

Language Access Program

First, I will address language access. In Fiscal Year 2019, the Supreme Court's Language Access Program provided interpreters in 65 of Nebraska's 93 counties. Collectively, those interpreters communicated in 49 different languages, including the following:

- Russian;
- Dinka, spoken in South Sudan;
- Ewe, spoken in Togo and Ghana;
- Hindi, spoken in India;
- Krio, spoken in Sierra Leone; and
- Tigrinya, spoken in Eritrea and Ethiopia.

Spanish, of course, remains the most frequently interpreted language in Nebraska's courts. But in addition to Spanish interpreters, last year each Judicial District needed interpreters for at least two other languages.

One of the challenges we are currently facing is the shortage of certified court interpreters, both in Nebraska and nationally. To address the shortage, this year our Court's Language Access Program collaborated with Northeast Community College in Norfolk to provide a no-cost adult education course for aspiring court interpreters.

This program is the first of its kind in the nation and is proving to be very successful. Our Language Access partnership story was broadcast both locally and nationally when it was featured on Nebraska Public Radio. We hope to expand this initiative in the near future.
Access - Public Engagement Sessions

Also through our Access to Justice Commission, the courts began significant outreach programming with tribal, state, and federal courts. This past fall, grant-funded engagement sessions, directed by Tribal Court Judge Patrick Runge of the Winnebago and Ponca Tribes, and State District Court Judge Andrea Miller of Scottsbluff, were held in Omaha, Niobrara, Macy, and Winnebago.

These sessions fostered conversations with Nebraska's Native American communities regarding court relationships, jurisdictional issues, and the Indian Child Welfare Act. By organizing and hosting these sessions, we hope to strengthen Native American communities' confidence in our court system. A second public engagement session is planned for later this year in northwestern Nebraska.

Details regarding the Access to Justice Commission are available in the Judicial Branch Annual Report provided to you today. The report is also available on the Court's website.

Access - Nebraska Strong

Our courts remained accessible in all 93 of Nebraska's counties, despite the heavy snows of last winter and the catastrophic flooding we experienced this past spring. I am pleased to report that with very few exceptions, where travel was impossible, we were able to maintain full court services during these devastating weather events.

I am proud to say that our courts, court staff, probation, public guardians, mediators, and interpreters remained 'Nebraska Strong' throughout 2019. Again, we commend these essential staff members for their commitment.

Access - Children in the Courts

The welfare of Nebraska's children and the elderly continues to be a priority for the judiciary. As part of our commitment to these populations, our Court Improvement Project has been involved in a number of outreach programs across Nebraska.

Our Through the Eyes of the Child teams continue to work throughout the state to improve the court system's response to abused and neglected children. There are 25 teams across Nebraska, each led by a trial court judge, working locally to improve our juvenile court system.

To enhance those efforts, we also began hosting Children's Summits in 2006 to better the lives of children and their families in our courts. This year, the Court Improvement Project hosted a Children's Summit in Kearney. The Summit was attended by nearly 600 participants from the legal community, social services, probation, tribal members, foster parents, and the therapeutic community.

Also, in Dawson, Lancaster, and Madison Counties, our Court Improvement Project took the lead in a joint pilot program with the Nebraska Department of Health and Human Services. The goal of this program is to increase the number of foster children reunified with their parents. The design was prompted by the actions of Judge Jeff Wightman of
Lexington, and has been implemented by Judge Linda Porter of Lincoln and Judge Ross Stoffer of Norfolk.

**Access - Public Guardian**

Annually, I also report on the Office of Public Guardian. The role of the office is two-fold: to provide guardianship services for individuals when no private alternative is available, and to develop required education for court-appointed individuals serving as guardians or conservators.

Many of Nebraska's court-appointed guardians are family members, caring for loved ones who have minimal assets and support. Since its inception in late 2015, the Office of Public Guardian has provided education to nearly 5,000 recently court-appointed private guardians in Nebraska, and our associate public guardians have helped over 600 vulnerable individuals. This year, to manage the volume of necessary trainings, the office of Public Guardian added an online class to educate Nebraska's private guardians in a quicker, more cost-efficient manner.

In August of 2019, an editorial appeared in the *Omaha World Herald*, crediting our Office of Public Guardian with uncovering fraudulent Medicaid billings and financial abuse of an elderly client. The article commended our public guardians for their work in helping vulnerable, elderly Nebraskans, and pointed out that from 2010 to 2030, the number of Nebraskans aged 65 and above is projected to increase by 160,000 people, from 240,000 to 400,000.

The editorial called on the State to address current shortcomings in medical, behavioral health, and nursing home services, along with calling for additional public guardians to meet the current need. Unfortunately, our Office of Public Guardian has reached its service capacity in most areas of the State. As a result, nearly 100 cases were necessarily referred to a waiting list.

**Access - Guardians and Conservators**

To complement the Office of Public Guardian, in 2015 the Supreme Court established the Commission on Guardianships and Conservatorships. The Commission is led by Judge Todd Hutton of Papillion, Judge Holly Parsley of Lincoln, and Judge Sherly Lohaus of Omaha, and is responsible for the continued analysis and study of statutes, court rules and procedures, and the ways laws and procedures often challenge the system of legal guardians.

The Supreme Court recently approved rules to support the Commission's recommended changes, simplifying over 150 guardianship and conservatorship forms. These rule changes result in lessening the burden on family members and others serving as volunteer guardians.

**Courts in Your Communities**

In addition to maintaining our regular caseloads, the judiciary is consistently involved in local and regional educational events throughout the year. In 2019, this Supreme Court held oral argument sessions at both of Nebraska's law schools, as well as Boys Town, Scottsbluff High School, and South Sioux City High School.
Last year, the Court of Appeals held its Constitution Day arguments at Concordia University in Seward. And for the convenience of our citizens, the Court of Appeals regularly travels to various locations around the State to hold oral arguments. We are grateful for the Court of Appeals' continuing efforts to reach out to Nebraska's many communities.

Our trial court judges are also engaged in law-related educational programs. Judges often turn their courtrooms into classrooms when contacted by educators within their jurisdictions, and when participating in activities such as County Government Day, 5th Grade Law-Day Job Shadowing, and High School Mock Trial competitions.

**Pandemic Preparedness**

Another recent Judicial Branch initiative involved preparing courts for pandemics. According to national experts, a pandemic is not just possible – it is highly probable.

In May of 2019, Nebraska's Judicial Branch hosted an innovative National State Court Summit on Pandemic Preparedness at the University of Nebraska Medical Center in Omaha. UNMC is home to the country's largest biocontainment unit and has treated Ebola patients on at least three occasions.

The Summit brought together court leaders, public health officials, legislators, and executive branch officials to discuss the need to plan and prepare for a pandemic. The session included teams from 25 states and three territories.

Prior to the Summit, and with the assistance of UNMC Chancellor Dr. Jeffrey Gold and his management team, a committee chaired by Judge Leigh Ann Retelsdorf of Omaha developed a Bench Book for Nebraska Courts to assist judges facing pandemic-related issues. Nebraska judges are now better prepared for the need to respond quickly and efficiently to pandemic quarantines and related legal issues.

It was an honor to serve as host for this group. I would like to take this opportunity to thank Governor Pete Ricketts for his welcoming address at the Summit, and Chancellor Gold and the UNMC staff for their great work and dedication to this project. Several photos of our session can be seen in the Judicial Branch Annual Report.

**COURT EFFICIENCY**

I will now speak to you about efforts we have made to improve the efficiency of our courts and adult and juvenile probation. Most recently, we have worked with four counties to provide court clerk services for both district and county courts. Because district court clerks have traditionally been funded by county property taxes, this option has resulted in cost savings for those counties.

By utilizing this option, duties within the court system are streamlined, and court clerk positions are no longer funded by those local property tax dollars. This is real property tax relief, with the potential for expansion with further legislative support.
Problem-Solving Courts

Likewise, in 2019, problem-solving courts continued to be an important and cost-effective judicial resource. These courts operate within the district, county, or juvenile courts in all 12 of Nebraska's Judicial Districts. Currently, 32 problem-solving courts are operating in Nebraska under the authority of 46 different judges. Nebraska problem-solving court models include Drug and DUI Courts, Veterans Treatment Courts, Reentry Courts, and Young Adult Courts. All of these courts adhere to Best Practice Standards approved by the Nebraska Supreme Court. In the coming months, the Supreme Court will also review Best Practice Standards for proposed Mental Health Treatment Courts.

As a result of LB919 introduced in 2016, as well as recent appropriations last year, the Judicial Branch added six new problem-solving courts and expanded the capacity of three of its existing problem-solving courts. Between 2015 and 2019, the number of problem-solving court participants has increased by 31%.

These courts effectively reduce recidivism and increase community safety, while being very cost-effective. The average cost to supervise a problem-solving court participant is approximately $2,865 taxpayer dollars per year. In comparison, the average cost to incarcerate a prisoner can reach as high as $38,000 taxpayer dollars per year.

Judicial Workload Study

However, operating problem-solving courts increases judicial workloads. The Judicial Branch has recently undertaken a judicial workload study, which will allow us to better compare judicial caseloads throughout our State. The results of this study will assist us, and you, in allocating our judicial resources.

Adult Probation

Since the passage of LB605 in 2015, adult probation continues to experience significant growth in the number of the individuals it serves, in both felony probation and post-release supervision. In 2019, the felony probation population expanded to over 4,800 individuals.

Adult probation provides community corrections through supervision, case management, support services, and rehabilitative services, including access to behavioral health. We have probation officers in all 93 counties and 16 regional day and evening reporting centers, serving populations that are at a high risk to reoffend.

In 2017, we developed our transitional living assistance program to provide recently-released prisoners with short-term, stable, and structured housing in an environment conducive to behavioral change. As the lead agency of a Department of Justice grant known as Project Integrate, Nebraska Probation has been able to maximize transitional living services while reducing costs. Project Integrate is a partnership between probation, parole, the Nebraska Department of Correctional Services, and Douglas County.

This initiative places individuals in a supportive and sober environment, enabling them to concentrate on treatment, employment, and
reintegration into the community. Participants needing transitional living assistance ultimately learn to become self-sufficient and are then able to reimburse the program for their living expenses.

**JUVENILE JUSTICE**

Juvenile justice continues to be an important priority for the Judicial Branch. Juvenile probation has made great strides toward best practice approaches for investigating and supervising youth found to be responsible for delinquencies and/or status offenses. We have emphasized fiscal responsibility while increasing juvenile justice services.

A September 2019 Legislative Performance Audit confirms that juvenile probation has increased its use of in-home and community-based alternatives, including intensive case management and transition planning for youth in out-of-home placements, while also reducing costs. These cost savings have made service expansion efforts possible.

**Office of Dispute Resolution**

One example of such community-based alternatives is Victim Youth Conferencing. With the passage of LB595 in 2019, the Restorative Justice bill, our Office of Dispute Resolution continues to partner with a network of six regional community mediation centers to offer Victim Youth Conferencing throughout the State.

This restorative process is significant to youth, their families, victims, communities, and the court system. This past year, 300 youth took responsibility for their actions and participated in face-to-face dialogues with their victims.

**CONCLUSION**

In conclusion, while facing many challenges, the Judicial Branch continued to expand its services and programming over the past year.

The Nebraska Judicial Branch remains committed to the delivery of justice in a fair and timely manner. We will carry out this mission efficiently, while continuing to provide equal access for all Nebraska citizens.

Thank you for this opportunity to speak with you today, and thank you for your support of the Judicial Branch.

The committee escorted the Chief Justice from the Chamber.

**COMMITTEE REPORT(S)**

**Education**

**LEGISLATIVE BILL 880.** Placed on General File.

(Signed) Mike Groene, Chairperson
Thursday, January 30, 2020 1:30 p.m.
LB748
LB751
LB900
LB941
LB964
LB986
LB994

Wednesday, January 29, 2020 1:30 p.m.
LB873
LB883
LB895
LB966
LB1006
LB1020
LB1031

(Signed)  Steve Lathrop, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1125.** Introduced by Cavanaugh, 6; Dorn, 30; Hansen, M., 26; Howard, 9.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3512 and 77-3514.01, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 2019; to provide a new homestead exemption and authorize late applications as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1126.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to award of attorney's fees or assessment of penalties or interest as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1127.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-162, Reissue Revised Statutes of Nebraska; to change and provide
powers relating to the contempt power of the Nebraska Workers' Compensation Court; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1128.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-148, Reissue Revised Statutes of Nebraska; to provide an exception for a claim based on bad faith; to provide a limitation of action; and to repeal the original section.

**LEGISLATIVE BILL 1129.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-116, Reissue Revised Statutes of Nebraska; to change evasion of law provisions to ensure certain coverage under the act; and to repeal the original section.

**LEGISLATIVE BILL 1130.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend sections 35-1204 and 35-1207, Revised Statutes Supplement, 2019; to change provisions relating to mutual finance organization agreements; to change certain deadlines for applications and notifications; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1131.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to education; to amend sections 38-316, 38-10,109, 38-1813, 38-2613, 38-2616, 38-3106, 71-8404, 76-2203.01, 77-2704.12, 77-27,119, 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1103, 79-1605, 79-2118, 85-505, 85-507, and 85-1609, Reissue Revised Statutes of Nebraska, sections 1-116, 38-3901, 58-809, 79-611, 79-8,137.01, 79-1007.11, 79-1035, 79-1065.02, 79-1075, 79-1241.03, 79-1504, 79-2104.02, 79-2603, 79-2604, 79-2605, and 79-2606, Revised Statutes Cumulative Supplement, 2018, and sections 77-1601.02, 79-807, 79-1003, and 79-1074, Revised Statutes Supplement, 2019; to change tax levy notice provisions; to eliminate obsolete provisions and terminology; to update terminology; to redefine terms and eliminate obsolete provisions in the Tax Equity and Educational Opportunities Support Act; to change provisions relating to distribution of school funds from school lands as prescribed; to remove a hearing requirement; to reflect boundary changes and the timing of payments of core services and technology infrastructure funds as prescribed; to change the membership of the Education Commission of the States; to change diversity plan requirements; to change reporting deadlines; to change requirements under the Nebraska Reading Improvement Act as prescribed; to eliminate a grant program; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-308 and 79-309.01,
MOTION(S) - Withdraw LB947

Senator Erdman offered his motion, MO122, found on page 342, to withdraw LB947.

The Erdman motion to withdraw the bill prevailed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

MOTION(S) - Withdraw LB953

Senator Wishart offered her motion, MO123, found on page 356, to withdraw LB953.

The Wishart motion to withdraw the bill prevailed with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 266. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 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 1132. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to net metering; to amend sections 70‑2001, 70‑2002, and 70‑2003, Reissue Revised Statutes of Nebraska; to state legislative declarations; to redefine net metering and qualified facility; to change and provide powers for a local distribution utility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1133. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Hospital‑Medical Liability Act; to amend sections 44‑2824, 44‑2827, 44‑2830, 44‑2831.01, 44‑2832, and 44‑2833, Reissue Revised Statutes of Nebraska, and section 44‑2825, Revised Statutes Cumulative Supplement, 2018; to increase caps on medical malpractice liability; to change provisions relating to proof of financial responsibility and the Excess Liability Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Wayne, 13.
A BILL FOR AN ACT relating to education; to amend sections 79-234 and 79-2,136, Revised Statutes Cumulative Supplement, 2018; to change enrollment option limits and provisions for part-time enrollment; and to repeal the original sections.

LEGISLATIVE BILL 1135. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend section 15-322, Reissue Revised Statutes of Nebraska, section 17-610, Revised Statutes Cumulative Supplement, 2018, and section 16-319, Revised Statutes Supplement, 2019; to provide duties for a city attorney of a city of the metropolitan class; to provide a prosecutorial exception for city attorneys and village attorneys as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Williams, 36.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-14,103.01, Reissue Revised Statutes of Nebraska; to redefine officer for purposes of prescribing when an interest in a contract is prohibited; to eliminate a prohibition against an interest in a contract by a board member of a public power and irrigation district; to harmonize provisions; to repeal the original section; and to outright repeal section 70-642.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1137. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to provide for certification of a class of plaintiffs and removal for adjudication in district court of certain contested cases under the Administrative Procedure Act; to provide a waiver of sovereign immunity; to define terms; and to provide a duty of the Revisor of Statutes.

LEGISLATIVE BILL 1138. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to disease; to establish a dementia registry; and to provide powers and duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1139. Introduced by Wishart, 27.

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 Supplement, 2019; to provide for Pets for Vets Plates; to create the Pets for Vets Cash Fund; to provide powers and duties for the Department of Veterans’ Affairs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1140. 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 youth rehabilitation and treatment centers; to provide requirements for youth rehabilitation and treatment centers; to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1141. 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 the Department of Health and Human Services; to provide for youth rehabilitation and treatment center operations plans.

LEGISLATIVE BILL 1142. 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 the Department of Health and Human Services; to amend sections 43-401 and 43-403, Reissue Revised Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to the Office of Juvenile Services; to harmonize provisions; to provide for youth rehabilitation and treatment center emergency plans; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1143. 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 the Department of Health and Human Services; to provide for a needs assessment and cost analysis study and report on an inpatient adolescent psychiatric unit; and to declare an emergency.

LEGISLATIVE BILL 1144. 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 the office of Public Counsel; to amend section 81-8,251, Reissue Revised Statutes of Nebraska, and section 43-4318, Revised Statutes Cumulative Supplement, 2018; to provide for notice and reporting to the office of Inspector General of Nebraska Child Welfare; to require an annual review and physical inspection of and a staffing report on certain state institutions; and to repeal the original sections.

LEGISLATIVE BILL 1145. 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 the Office of Juvenile Services; to amend section 43-401, Reissue Revised Statutes of Nebraska; to provide for a policy on the use of mechanical restraints and transportation of juveniles; and to repeal the original section.

LEGISLATIVE BILL 1146. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for construction of dormitories at the Youth Rehabilitation and Treatment Center-Kearney.

LEGISLATIVE BILL 1147. Introduced by Vargas, 7; Cavanaugh, 6; Howard, 9.

A BILL FOR AN ACT relating to the youth rehabilitation and treatment centers; to provide powers and duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1148. Introduced by Vargas, 7; Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-407, 43-408, 83-108.04, and 83-901, Reissue Revised Statutes of Nebraska, and section 43-286, Revised Statutes Supplement, 2019; to change provisions relating to the Office of Juvenile Services and to placements of juveniles at a youth rehabilitation and treatment center; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1149. Introduced by Vargas, 7; Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 43-401, 43-403, 43-404, 43-405, 43-406, 43-407, 43-408, 43-410, 43-417, 43-420, 43-425, 83-108.04, and 83-113, Reissue Revised Statutes of Nebraska, and section 83-108, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to eliminate obsolete provisions; to update a reference to federal law; to change and provide duties for the Office of Juvenile Services and the Department of Health and Human Services; to provide for evidence-based policies, practices, procedures, and services; to prohibit denial of in-person visitation and communication as a sanction; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-414, 43-415, 43-416, 43-418, 43-419, 43-421, 43-422, 43-423, 43-4002, and 83-101, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1150. Introduced by Brandt, 32; Briese, 41;
A BILL FOR AN ACT relating to juveniles; to require the youth rehabilitation and treatment centers to be fully operational as prescribed; and to require a report.

LEGISLATIVE BILL 1151. Introduced by Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1907 and 85-1911, Reissue Revised Statutes of Nebraska; to redefine eligible student; to provide for prioritization of awards; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Halloran, 33; Brandt, 32; Wayne, 13.

A BILL FOR AN ACT relating to hemp; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2018, and sections 2-501, 2-503, 2-504, 2-505, 2-506, 2-507, 2-510, 2-511, 2-512, 2-514, 2-515, 2-516, 2-517, 2-5701, and 28-101, Revised Statutes Supplement, 2019; to provide, change, and eliminate definitions; to change provisions relating to licenses, the cultivation, testing, and transportation of hemp, violations, Department of Agriculture duties and powers, and appointment of the Nebraska Hemp Commission; to provide legislative intent regarding licensing and appropriations; to provide a termination date; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1153. Introduced by Vargas, 7; Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to education; to amend section 79-730, Reissue Revised Statutes of Nebraska; to require approval of alternative tests for a diploma of high school equivalency; to allow development of skill-based or competency-based assessments for a diploma of high school equivalency; to make testing available across the state; to provide duties for the Commissioner of Education; and to repeal the original section.

LEGISLATIVE BILL 1154. Introduced by Hansen, M., 26; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education for state aid to adult basic education programs and institutions offering high school equivalency programs; and to declare an emergency.
LEGISLATIVE BILL 1155. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to economic development; to adopt the Middle Income Workforce Housing Investment Act; to create a fund; to provide for a transfer of funds from the General Fund; to provide a civil penalty; and to declare an emergency.

LEGISLATIVE BILL 1156. Introduced by Vargas, 7; Lindstrom, 18.

A BILL FOR AN ACT relating to schools; to define terms; to require development and implementation of a statewide school panic button program; to provide powers and duties; and to state intent regarding appropriations.

LEGISLATIVE BILL 1157. Introduced by Vargas, 7; McCollister, 20; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to provide for counting Nebraska residents confined to prison in Nebraska as prescribed.

LEGISLATIVE BILL 1158. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to require information regarding job-skills programs and a report; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1159. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Pesticide Act; to amend section 2-2642, Revised Statutes Supplement, 2019; to change noncertified applicator pesticide use restrictions; to provide for unlimited license examination attempts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Hansen, M., 26; Bolz, 29.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Workforce and Education Reporting System Act; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Hansen, M., 26; Bolz, 29; Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for competency restoration treatment as prescribed.

LEGISLATIVE BILL 1162. Introduced by Wishart, 27.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, 77-2734.03, and 77-3806, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Supplement, 2019; to adopt the Fueling Station Tax Credit Act; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 298. Introduced by Howard, 9; Arch, 14; Bolz, 29; Brandt, 32; Cavanaugh, 6; Groene, 42; Hansen, B., 16; Lathrop, 12; Murman, 38; Quick, 35; Stinner, 48; Walz, 15; Williams, 36.

WHEREAS, in the summer of 2019, the Department of Health and Human Services notified the Health and Human Services Committee of the Legislature of deteriorating conditions at the Youth Rehabilitation and Treatment Center-Geneva. Such conditions necessitated the relocation of female youth from the Youth Rehabilitation and Treatment Center-Geneva due to living conditions posing a threat to the health, safety, and welfare of the female youth residing at the facility under court order; and

WHEREAS, the Health and Human Services Committee of the Legislature found, through a series of public hearings and comments during the 2019 interim, that there was a breakdown in the day-to-day operations of the Youth Rehabilitation and Treatment Center-Geneva, including (1) disrepair of the facilities making them uninhabitable, (2) inadequate staffing, (3) a lack of proper behavioral or mental health services and treatment programming, and (4) a lack of healthcare, including, but not limited to, medication management; and

WHEREAS, the Department of Health and Human Services has released a business plan to reorganize the youth rehabilitation and treatment center model in Nebraska on a condensed timeline without consultation or input from the Legislature or stakeholders with experience and expertise in youth rehabilitation and treatment; and

WHEREAS, the safety, quality of life, and right to a safe treatment environment for these youth is of the utmost concern to the Legislature and it is clear the Youth Rehabilitation and Treatment Center-Geneva has reached a critical point in its ability to care for the female youth entrusted to its care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the Executive Board. Members shall include three members of the Health and Human Services Committee of the Legislature, one member of the Appropriations Committee of the Legislature, one member of the Education Committee of the Legislature, three members of the Judiciary Committee of the
Legislature, and one at-large member of the Legislature. 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 oversight committee and is hereby authorized to hold hearings, request and receive progress reports from the Department of Health and Human Services regarding the youth rehabilitation and treatment centers, and issue subpoenas as deemed necessary by the committee.

2. The Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature is hereby authorized to study the quality of care and related issues at the youth rehabilitation and treatment centers. The committee shall provide oversight of the administration and operations, including funding, capacity, and staffing practices at the youth rehabilitation and treatment centers. The committee shall provide oversight for planning at the youth rehabilitation and treatment centers. 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. The committee shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2020.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR298 was referred to the Reference Committee.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 795. Placed on General File.
LEGISLATIVE BILL 799. Placed on General File.
LEGISLATIVE BILL 821. Placed on General File.
LEGISLATIVE BILL 885. Placed on General File.

(Signed) Justin Wayne, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, January 29, 2020 1:30 p.m.
LB805
LB865
LB1042

(Signed) Lou Ann Linehan, Chairperson
Health and Human Services
Room 1510

Wednesday, January 29, 2020 1:30 p.m.
LB932
LB851
LB955
LB956

(Signed) Sara Howard, Chairperson

MOTION(S) - Print in Journal

Senator Blood filed the following motion to LB754:
MO124
Withdraw bill.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB734:
AM2120 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 Howard name added to LB791.
Senator Walz name added to LB1073.
Senator Hunt name added to LB1084.

VISITOR(S)

Visitors to the Chamber were Judge PaTricia Freeman, Chair of the NSBA House of Delegates, Susan Sapp, Chair-Elect of the NBSA House of Delegates, and Liz Neeley, Executive Director of the NSBA.
ADJOURNMENT

At 12:02 p.m., on a motion by Senator Arch, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TENTH DAY - JANUARY 23, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 2020

PRAYER

The prayer was offered by Senator DeBoer.

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 B. Hansen, Hilkemann, Hughes, Kolterman, La Grone, Linehan, McCollister, Morfeld, Scheer, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 381. Placed on Select File with amendment. AM149 is available in the Bill Room.

LEGISLATIVE BILL 477. Placed on Select File with amendment.

ER144
1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 477A. Placed on Select File with amendment.

ER145
1. On page 1, line 3, strike "First Session, 2019" and insert
2 "Second Session, 2020".
3. On page 2, line 2, strike "FY2019-20" and insert "FY2020-21"; and
4 in line 4 strike "First Session, 2019" and insert "Second Session, 2020".
LEGISLATIVE BILL 68. Placed on Select File with amendment.

ER146
1. On page 1, strike beginning with "19-4019" in line 1 through
2 "2018" in line 6 and insert "19-4029.02 and 19-4029.03, Revised Statutes
3 Cumulative Supplement, 2018, and sections 19-4021, 19-4027, 19-4029.01,
4 19-4029.04, and 19-4029.05, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 107. Placed on Select File with amendment.

ER148
1. On page 5, line 27, after "have" insert "the".

LEGISLATIVE BILL 148. Placed on Select File with amendment.

ER147
1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 13-503, Revised Statutes Supplement, 2019, is
4 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, regional metropolitan
21 transit authority, metropolitan utilities district, Educational Service
22 Unit Coordinating Council, and political subdivision with the authority
23 to have a property tax request, with the authority to levy a toll, or
24 that receives state aid, and joint entity created pursuant to the
25 Interlocal Cooperation Act that receives tax funds generated under
26 section 2-3226.08;
27 (2) Levying board means any governing body which has the power or
1 duty to levy a tax;
2 (3) Fiscal year means the twelve-month period used by each governing
3 body in determining and carrying on its financial and taxing affairs;
4 (4) Tax means any general or special tax levied against persons,
5 property, or business for public purposes as provided by law but shall
6 not include any special assessment;
7 (5) Auditor means the Auditor of Public Accounts;
8 (6) Cash reserve means funds required for the period before revenue
9 would become available for expenditure but shall not include funds held
10 in any special reserve fund;
11 (7) Public funds means all money, including nontax money, used in
12 the operation and functions of governing bodies. For purposes of a
13 county, city, or village which has a lottery established under the
14 Nebraska County and City Lottery Act, only those net proceeds which are
15 actually received by the county, city, or village from a licensed lottery
16 operator shall be considered public funds, and public funds shall not
17 include amounts awarded as prizes;
18 (8) Adopted budget statement means a proposed budget statement which
19 has been adopted or amended and adopted as provided in section 13-506. 
20 Such term shall include additions, if any, to an adopted budget statement 
21 made by a revised budget which has been adopted as provided in section 
22 13-511; 
23 (9) Special reserve fund means any special fund set aside by the 
24 governing body for a particular purpose and not available for expenditure 
25 for any other purpose. Funds created for (a) the retirement of bonded 
26 indebtedness, (b) the funding of employee pension plans, (c) the purposes 
27 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes 
28 of the Local Option Municipal Economic Development Act, (e) voter- 
29 approved sinking funds, or (f) statutorily authorized sinking funds shall 
30 be considered special reserve funds; 
31 (10) Biennial period means the two fiscal years comprising a 
32 biennium commencing in odd-numbered or even-numbered years used by a 
33 city, village, or natural resources district in determining and carrying 
34 on its financial and taxing affairs; and 
35 (11) Biennial budget means (a) a budget by a city of the primary or 
36 metropolitan class that adopts a charter provision providing for a 
37 biennial period to determine and carry on the city's financial and taxing 
38 affairs, (b) a budget by a city of the first or second class or village 
39 that provides for a biennial period to determine and carry on the city's 
40 or village's financial and taxing affairs, or (c) a budget by a natural 
41 resources district that provides for a biennial period to determine and 
42 carry on the natural resources district's financial and taxing affairs. 
12 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement, 
13 2018, is amended to read: 
14 13-506 (1) Each governing body shall each year or biennial period 
15 conduct a public hearing on its proposed budget statement. Such hearing 
16 shall be held separately from any regularly scheduled meeting of the 
17 governing body and shall not be limited by time. Notice of place and time 
18 of such hearing, together with a summary of the proposed budget 
19 statement, shall be published at least four calendar days prior to the 
20 date set for hearing in a newspaper of general circulation within the 
21 governing body's jurisdiction. For purposes of such notice, the four 
22 calendar days shall include the day of publication but not the day of 
23 hearing. When the total operating budget, not including reserves, does 
24 not exceed ten thousand dollars per year or twenty thousand dollars per 
25 biennial period, the proposed budget summary may be posted at the 
26 governing body's principal headquarters. At such hearing, the governing 
27 body shall make at least three copies of the proposed budget statement 
28 available to the public and shall make a presentation outlining key 
29 provisions of the proposed budget statement, including, but not limited 
30 to, a comparison with the prior year's budget. Any member of the public 
31 desiring to speak on the proposed budget statement shall be allowed to 
32 address the governing body at the hearing and shall be given a reasonable 
33 amount of time to do so. After such hearing, the proposed budget 
34 statement shall be adopted, or amended and adopted as amended, and a 
35 written record shall be kept of such hearing. The amount to be received 
36 from personal and real property taxation shall be certified to the 
37 levy board after the proposed budget statement is adopted or is 
38 amended and adopted as amended. If the levy board represents more than 
39 one county, a member or a representative of the governing board shall, 
40 upon the written request of any represented county, appear and present 
41 its budget at the hearing of the requesting county. The certification of 
42 the amount to be received from personal and real property taxation shall 
43 specify separately (a) the amount to be applied to the payment of 
44 principal or interest on bonds issued by the governing body and (b) the 
45 amount to be received for all other purposes. If the adopted budget 
46 statement reflects a change from that shown in the published proposed 
47 budget statement, a summary of such changes shall be published within
17 twenty calendar days after its adoption in the manner provided in this
18 section, but without provision for hearing, setting forth the items
19 changed and the reasons for such changes.
20 (2) Upon approval by the governing body, the budget shall be filed
21 with the auditor. The auditor may review the budget for errors in
22 mathematics, improper accounting, and noncompliance with the Nebraska
23 Budget Act or sections 13-518 to 13-522. If the auditor detects such
24 errors, he or she shall immediately notify the governing body of such
25 errors. The governing body shall correct any such error as provided in
26 section 13-511. Warrants for the payment of expenditures provided in the
27 budget adopted under this section shall be valid notwithstanding any
28 errors or noncompliance for which the auditor has notified the governing
29 body.
30 Sec. 3. Section 84-1411, Revised Statutes Supplement, 2019, is
31 amended to read:
1 84-1411 (1)(a) Each public body shall give reasonable advance
2 publicized notice of the time and place of each meeting as provided in
3 this subsection by a method designated by each public body and recorded
4 in its minutes. Such notice shall be transmitted to all members of the
5 public body and to the public.
6 (b)(i) Except as provided in subdivision (1)(b)(i) of this section,
7 in the case of a public body described in subdivision (1)(a)(i) of
8 section 84-1409 or such body’s advisory committee, such notice shall be
9 published in a newspaper of general circulation within the public body’s
10 jurisdiction and, if available, in a digital advertisement on such
11 newspaper’s web site.
12 (ii) In the case of the governing body of a city of the second class
13 or village or such body’s advisory committee, such notice shall be
14 published by:
15 (A) Publication in a newspaper of general circulation within the
16 public body’s jurisdiction and, if available, in a digital advertisement
17 on such newspaper’s web site; or
18 (B) Posting written notice in three conspicuous public places in
19 such city or village. Such notice shall be posted in the same three
20 places for each meeting.
21 (iii) In the case of a public body not described in subdivision (1)
22 (b)(i) or (ii) of this section, such notice shall be given by a method
23 designated by the public body.
24 (c) In addition to a method of notice required by subdivision (1)(b)
25 (i) or (ii) of this section, such notice may also be provided by any
26 other appropriate method designated by such public body or such advisory
27 committee.
28 (d) Each public body shall record the methods and dates of such
29 notice in its minutes.
30 (e) Such notice shall contain an agenda of subjects known at the
31 time of the publicized notice or a statement that the agenda, which shall
1 be kept continually current, shall be readily available for public
2 inspection at the principal office of the public body during normal
3 business hours. Agenda items shall be sufficiently descriptive to give
4 the public reasonable notice of the matters to be considered at the
5 meeting. Except for items of an emergency nature, the agenda shall not be
6 altered later than (i) (a) twenty-four hours before the scheduled
7 commencement of the meeting or (ii) (a) forty-eight hours before the
8 scheduled commencement of a meeting of a city council or village board
9 scheduled outside the corporate limits of the municipality. The public
10 body shall have the right to modify the agenda to include items of an
11 emergency nature only at such public meeting.
12 (2) A meeting of a state agency, state board, state commission,
13 state council, or state committee, of an advisory committee of any such
14 state entity, of an organization created under the Interlocal Cooperation
15 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
16 Act, of the governing body of a public power district having a chartered
17 territory of more than one county in this state, of the governing body of
18 a public power and irrigation district having a chartered territory of
19 more than one county in this state, of a board of an educational service
20 unit, of the Educational Service Unit Coordinating Council, of the
21 governing body of a risk management pool or its advisory committees
22 organized in accordance with the Intergovernmental Risk Management Act,
23 or of a community college board of governors may be held by means of
24 videoconferencing or, in the case of the Judicial Resources Commission in
25 those cases specified in section 24-1204, by telephone conference, if:
26 (a) Reasonable advance publicized notice is given as provided in
27 subsection (1) of this section;
28 (b) Reasonable arrangements are made to accommodate the public's
29 right to attend, hear, and speak at the meetings, including seating,
30 recording by audio or visual recording devices, and a reasonable
31 opportunity for input such as public comment or questions to at least the
32 same extent as would be provided if videoconferencing or telephone
33 conferencing was not used;
34 (c) At least one copy of all documents being considered is available
35 to the public at each site of the videoconference or telephone
36 conference;
37 (d) At least one member of the state entity, advisory committee,
38 board, council, or governing body is present at each site of the
39 videoconference or telephone conference, except that a member of an
40 organization created under the Intergovernmental Cooperation Act that sells
41 electricity or natural gas at wholesale on a multistate basis, an
42 organization created under the Municipal Cooperative Financing Act, or a
43 governing body of a risk management pool or an advisory committee of such
44 organization or pool may designate a nonvoting designee, who shall not be
45 included as part of the quorum, to be present at any site; and
46 (i) Except as provided in subdivision (2)(c)(ii) of this section,
47 no more than one-half of the state entity's, advisory committee's,
48 board's, council's, or governing body's meetings in a calendar year are
49 held by videoconference or telephone conference; or
50 (ii) In the case of an organization created under the Intergovernmental
51 Cooperation Act that sells electricity or natural gas at wholesale on a
52 multistate basis or an organization created under the Municipal
53 Cooperative Financing Act, such organization holds at least one meeting
54 each calendar year that is not by videoconferencing or telephone
55 conferencing.
56 Videoconferencing, telephone conferencing, or conferencing by other
57 electronic communication shall not be used to circumvent any of the
58 public government purposes established in the Open Meetings Act.
59 (3) A meeting of a board of an educational service unit, of the
60 Educational Service Unit Coordinating Council, of the governing body of
61 an entity formed under the Intergovernmental Cooperation Act, the Joint Public
62 Agency Act, or the Municipal Cooperative Financing Act, of the governing
63 body of a risk management pool or its advisory committees organized in
64 accordance with the Intergovernmental Risk Management Act, of a community
65 college board of governors, of the governing body of a public power
66 district, of the governing body of a public power and irrigation
67 district, or of the Nebraska Brand Committee may be held by telephone
68 conference call if:
69 (a) The territory represented by the educational service unit,
70 member educational service units, community college board of governors,
71 public power district, public power and irrigation district, Nebraska
72 Brand Committee, or member public agencies of the entity or pool covers
73 more than one county;
74 (b) Reasonable advance publicized notice is given as provided in
members of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity or pool of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool at a place which will accommodate the anticipated audience; reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating. The recording of the meeting by audio recording devices, and a reasonable opportunity for the input of public comment or questions to at least the same extent as would be provided if a telephone conference call was not used; At least one copy of all documents being considered is available to the public at each site of the telephone conference call; At least one member of the educational service unit board, council, community college board of governors, governing body of public power district, governing body of public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, or an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; The telephone conference call lasts no more than five hours; and No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that: The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call. Nothing in this subsection shall prevent the participation of calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act. The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be
LEGISLATIVE BILL 76. Placed on Select File with amendment.

ER150

11. On page 2, line 19, strike "2020" and insert "2021".

LEGISLATIVE BILL 236. Placed on Select File with amendment.

ER151

11. Strike the original sections and insert the following new sections:
3 Section 1. Section 77-2711, Revised Statutes Supplement, 2019, is amended to read:
5 77-2711 (1)(a) The Tax Commissioner shall enforce sections 6 77-2701.04 to 77-2713 and may prescribe, adopt, and enforce rules and 7 regulations relating to the administration and enforcement of such 8 sections.
9 (b) The Tax Commissioner may prescribe the extent to which any 10 ruling or regulation shall be applied without retroactive effect.
11 (2) The Tax Commissioner may employ accountants, auditors, 12 investigators, assistants, and clerks necessary for the efficient 13 administration of the Nebraska Revenue Act of 1967 and may delegate 14 authority to his or her representatives to conduct hearings, prescribe 15 regulations, or perform any other duties imposed by such act.
16 (3)(a) Every seller, every retailer, and every person storing, 17 using, or otherwise consuming in this state property purchased from a 18 retailer shall keep such records, receipts, invoices, and other pertinent 19 papers in such form as the Tax Commissioner may reasonably require. 20 (b) Every such seller, retailer, or person shall keep such records 21 for not less than three years from the making of such records unless the 22 Tax Commissioner in writing sooner authorized their destruction. 23 (4) The Tax Commissioner or any person authorized in writing by him 24 or her may examine the books, papers, records, and equipment of any 25 person selling property and any person liable for the use tax and may 26 investigate the character of the business of the person in order to 27 verify the accuracy of any return made or, if no return is made by the 1 person, to ascertain and determine the amount required to be paid. In the 2 examination of any person selling property or of any person liable for 3 the use tax, an inquiry shall be made as to the accuracy of the reporting 4 of city and county sales and use taxes for which the person is liable 5 under the Local Option Revenue Act or sections 13-319, 13-324, 13-2813, 6 and 77-6403 and the accuracy of the allocation made between the various 7 counties, cities, villages, and municipal counties of the tax due. The
8 Tax Commissioner may make or cause to be made copies of resale or
9 exemption certificates and may pay a reasonable amount to the person
10 having custody of the records for providing such copies.
11 (5) The taxpayer shall have the right to keep or store his or her
12 records at a point outside this state and shall make his or her records
13 available to the Tax Commissioner at all times.
14 (6) In administration of the use tax, the Tax Commissioner may
15 require the filing of reports by any person or class of persons having in
16 his, her, or their possession or custody information relating to sales of
17 property, the storage, use, or other consumption of which is subject to
18 the tax. The report shall be filed when the Tax Commissioner requires and
19 shall set forth the names and addresses of purchasers of the property,
20 the sales price of the property, the date of sale, and such other
21 information as the Tax Commissioner may require.
22 (7) It shall be a Class I misdemeanor for the Tax Commissioner or
23 any official or employee of the Tax Commissioner, the State Treasurer, or
24 the Department of Administrative Services to make known in any manner
25 whatever the business affairs, operations, or information obtained by an
26 investigation of records and activities of any retailer or any other
27 person listed or examined in the discharge of official duty or the
28 amount or source of income, profits, losses, expenditures, or any
29 particular thereof, set forth or disclosed in any return, or to permit
30 any return or copy thereof, or any book containing any abstract or
31 particulars thereof to be seen or examined by any person not connected
32 with the Tax Commissioner. Nothing in this section shall be construed to
33 prohibit (a) the delivery to a taxpayer, his or her duly authorized
34 representative, or his or her successors, receivers, trustees, executors,
35 administrators, assignees, or guarantors, if directly interested, of a
36 certified copy of any return or report in connection with his or her tax,
37 (b) the publication of statistics so classified as to prevent the
38 identification of particular reports or returns and the items thereof,
39 (c) the inspection by the Attorney General, other legal representative of
40 the state, or county attorney of the reports or returns of any taxpayer
41 when either (i) information on the reports or returns is considered by
42 the Attorney General to be relevant to any action or proceeding
43 instituted by the taxpayer or against whom an action or proceeding is
44 being considered or has been commenced by any state agency or the county
45 or (ii) the taxpayer has instituted an action to review the tax based
46 thereon or an action or proceeding against the taxpayer for collection of
47 tax or failure to comply with the Nebraska Revenue Act of 1967 is being
48 considered or has been commenced, (d) the furnishing of any information
49 to the United States Government or to states allowing similar privileges
50 to the Tax Commissioner, (e) the disclosure of information and records to
51 a collection agency contracting with the Tax Commissioner pursuant to
52 sections 77-377.01 to 77-377.04, (f) the disclosure to another party to a
53 transaction of information and records concerning the transaction between
54 the taxpayer and the other party, (g) the disclosure of information
55 pursuant to section 77-27,195 or 77-5731, or (h) the disclosure of
56 information to the Department of Labor necessary for the administration
57 of the Employment Security Law, the Contractor Registration Act, or the
58 Employee Classification Act.
59 (8) Notwithstanding the provisions of subsection (7) of this
60 section, the Tax Commissioner may permit the Postal Inspector of the
61 United States Postal Service or his or her delegates to inspect the
62 reports or returns of any person filed pursuant to the Nebraska Revenue
63 Act of 1967 when information on the reports or returns is relevant to any
64 action or proceeding instituted or being considered by the United States
65 Postal Service against such person for the fraudulent use of the mails to
66 carry and deliver false and fraudulent tax returns to the Tax
67 Commissioner with the intent to defraud the State of Nebraska or to evade
6 the payment of Nebraska state taxes.
7 (9) Notwithstanding the provisions of subsection (7) of this
8 section, the Tax Commissioner may permit other tax officials of this
9 state to inspect the tax returns, reports, and applications filed under
10 sections 77-2701.04 to 77-2713, but such inspection shall be permitted
11 only for purposes of enforcing a tax law and only to the extent and under
12 the conditions prescribed by the rules and regulations of the Tax
13 Commissioner.
14 (10) Notwithstanding the provisions of subsection (7) of this
15 section, the Tax Commissioner may, upon request, provide the county board
16 of any county which has exercised the authority granted by section
17 81-3716 with a list of the names and addresses of the hotels located
18 within the county for which lodging sales tax returns have been filed or
19 for which lodging sales taxes have been remitted for the county's County
20 Visitors Promotion Fund under the Nebraska Visitors Development Act.
21 The information provided by the Tax Commissioner shall indicate only
22 the names and addresses of the hotels located within the requesting
23 county for which lodging sales tax returns have been filed for a
24 specified period and the fact that lodging sales taxes remitted by or on
25 behalf of the hotel have constituted a portion of the total sum remitted
26 by the state to the county for a specified period under the provisions of
27 the Nebraska Visitors Development Act. No additional information shall be
28 revealed.
29 (11)(a) Notwithstanding the provisions of subsection (7) of this
30 section, the Tax Commissioner shall, upon written request by the Auditor
31 of Public Accounts or the office of Legislative Audit, make tax returns
1 and tax return information open to inspection by or disclosure to the
2 Auditor of Public Accounts or employees of the office of Legislative
3 Audit for the purpose of and to the extent necessary in making an audit
4 of the Department of Revenue pursuant to section 50-1205 or 84-304.
5 Confidential tax returns and tax return information shall be audited only
6 upon the premises of the Department of Revenue. All audit workpapers
7 pertaining to the audit of the Department of Revenue shall be stored in a
8 secure place in the Department of Revenue.
9 (b) No employee of the Auditor of Public Accounts or the office of
10 Legislative Audit shall disclose to any person, other than another
11 Auditor of Public Accounts or office employee whose official duties
12 require such disclosure, any return or return information described in
13 the Nebraska Revenue Act of 1967 in a form which can be associated with
14 or otherwise identify, directly or indirectly, a particular taxpayer.
15 (c) Any person who violates the provisions of this subsection shall
16 be guilty of a Class I misdemeanor. For purposes of this subsection,
17 employee includes a former Auditor of Public Accounts or office of
18 Legislative Audit employee.
19 (12) For purposes of this subsection and subsections (11) and (14)
20 of this section:
21 (a) Disclosure means the making known to any person in any manner a
22 tax return or return information;
23 (b) Return information means:
24 (i) A taxpayer's identification number and (A) the nature, source,
25 or amount of his or her income, payments, receipts, deductions,
26 exemptions, credits, assets, liabilities, net worth, tax liability, tax
27 withheld, deficiencies, overassessments, or tax payments, whether the
28 taxpayer's return was, is being, or will be examined or subject to other
29 investigation or processing or (B) any other data received by, recorded
30 by, prepared by, furnished to, or collected by the Tax Commissioner with
31 respect to a return or the determination of the existence or possible
1 existence of liability or the amount of liability of any person for any
2 tax, penalty, interest, fine, forfeiture, or other imposition or offense;
4 (ii) Any part of any written determination or any background file
5 document relating to such written determination; and
6 (c) Tax return or return means any tax or information return or
7 claim for refund required by, provided for, or permitted under sections
8 77-2701 to 77-2713 which is filed with the Tax Commissioner by, on behalf
9 of, or with respect to any person and any amendment or supplement
10 thereto, including supporting schedules, attachments, or lists which are
11 supplemental to or part of the filed return.
12 (13) Notwithstanding the provisions of subsection (7) of this
13 section, the Tax Commissioner shall, upon request, provide any
14 municipality which has adopted the local option sales tax under the Local
15 Option Revenue Act with a list of the names and addresses of the
16 retailers which have collected the local option sales tax for the
17 municipality. The request may be made annually and shall be submitted to
18 the Tax Commissioner on or before June 30 of each year. The information
19 provided by the Tax Commissioner shall indicate only the names and
20 addresses of the retailers. The Tax Commissioner may provide additional
21 information to a municipality so long as the information does not include
22 any data detailing the specific revenue, expenses, or operations of any
23 particular business.
24 (14)(a) Notwithstanding the provisions of subsection (7) of this
25 section, the Tax Commissioner shall, upon written request, provide an
26 individual certified under subdivision (b) of this subsection
27 representing a municipality which has adopted the local option sales and
28 use tax under the Local Option Revenue Act with confidential sales and
29 use tax returns and sales and use tax return information regarding
30 taxpayers that possess a sales tax permit and the amounts remitted by
31 such permit holders at locations within the boundaries of the requesting
32 municipality or with confidential business use tax returns and business
33 use tax return information regarding taxpayers that file a Nebraska and
34 Local Business Use Tax Return and the amounts remitted by such taxpayers
35 at locations within the boundaries of the requesting municipality. Any
36 written request pursuant to this subsection shall provide the Department
37 of Revenue with no less than ten business days to prepare the sales and
38 use tax returns and sales and use tax return information requested. The
39 individual certified under subdivision (b) of this subsection shall
40 review such returns and return information only upon the premises of the
41 Department, except that such limitation shall not apply if the certifying
42 individual has an agreement in effect under the Nebraska Advantage
43 Transformational Tourism and Redevelopment Act. In such case, the
44 individual certified under subdivision (b) of this subsection may request
45 that copies of such returns and return information be sent to him or her
46 by electronic transmission, secured in a manner as determined by the Tax
47 Commissioner. Such returns and return information shall be viewed only
48 upon the premises of the department.
49 (b) Each municipality that seeks to request information under
50 subdivision (a) of this subsection shall certify to the Department of
51 Revenue one individual who is authorized by such municipality to make
52 such request and review the documents described in subdivision (a) of
53 this subsection. The individual may be a municipal employee or an
54 individual who contracts with the requesting municipality to provide
55 financial, accounting, or other administrative services.
56 (c) No individual certified by a municipality pursuant to
57 subdivision (b) of this subsection shall disclose to any person any
58 information obtained pursuant to a review under this subsection. An
59 individual certified by a municipality pursuant to subdivision (b) of
60 this subsection shall remain subject to this subsection after he or she
61 (i) is no longer certified or (ii) is no longer in the employment of or
62 under contract with the certifying municipality.
63 (d) Any person who violates the provisions of this subsection shall
2 be guilty of a Class I misdemeanor.
3 (e) The Department of Revenue shall not be held liable by any person
4 for an impermissible disclosure by a municipality or any agent or
5 employee thereof of any information obtained pursuant to a review under
6 this subsection.
7 (15) In all proceedings under the Nebraska Revenue Act of 1967, the
8 Tax Commissioner may act for and on behalf of the people of the State of
9 Nebraska. The Tax Commissioner in his or her discretion may waive all or
10 part of any penalties provided by the provisions of such act or interest
11 on delinquent taxes specified in section 45-104.02, as such rate may from
12 time to time be adjusted.
13 (16)(a) The purpose of this subsection is to set forth the state's
14 policy for the protection of the confidentiality rights of all
15 participants in the system operated pursuant to the streamlined sales and
16 use tax agreement and of the privacy interests of consumers who deal with
17 model 1 sellers.
18 (b) For purposes of this subsection:
19 (i) Anonymous data means information that does not identify a
20 person;
21 (ii) Confidential taxpayer information means all information that is
22 protected under a member state's laws, regulations, and privileges; and
23 (iii) Personally identifiable information means information that
24 identifies a person.
25 (c) The state agrees that a fundamental precept for model 1 sellers
26 is to preserve the privacy of consumers by protecting their anonymity.
27 With very limited exceptions, a certified service provider shall perform
28 its tax calculation, remittance, and reporting functions without
29 retaining the personally identifiable information of consumers.
30 (d) The governing board of the member states in the streamlined
31 sales and use tax agreement may certify a certified service provider only
32 if that certified service provider certifies that:
33 (i) Its system has been designed and tested to ensure that the
34 fundamental precept of anonymity is respected;
35 (ii) Personally identifiable information is only used and retained
36 to the extent necessary for the administration of model 1 with respect to
37 exempt purchasers;
38 (iii) It provides consumers clear and conspicuous notice of its
39 information practices, including what information it collects, how it
40 collects the information, how it uses the information, how long, if at
41 all, it retains the information, and whether it discloses the information
42 to member states. Such notice shall be satisfied by a written privacy
43 policy statement accessible by the public on the web site of the
44 certified service provider;
45 (iv) Its collection, use, and retention of personally identifiable
46 information is limited to that required by the member states to ensure
47 the validity of exemptions from taxation that are claimed by reason of a
48 consumer's status or the intended use of the goods or services purchased;
49 and
50 (v) It provides adequate technical, physical, and administrative
51 safeguards so as to protect personally identifiable information from
52 unauthorized access and disclosure.
53 (e) The state shall provide public notification to consumers,
54 including exempt purchasers, of the state's practices relating to the
55 collection, use, and retention of personally identifiable information.
56 (f) When any personally identifiable information that has been
57 collected and retained is no longer required for the purposes set forth
58 in subdivision (16)(d)(iv) of this section, such information shall no
59 longer be retained by the member states.
60 (g) When personally identifiable information regarding an individual
61 is retained by or on behalf of the state, it shall provide reasonable
access by such individual to his or her own information in the state's possession and a right to correct any inaccurately recorded information. If anyone other than a member state, or a person authorized by that state's law or the agreement, seeks to discover personally identifiable information, the state from whom the information is sought should make a reasonable and timely effort to notify the individual of such request.

If anyone other than a member state, or a person authorized by that state's law or the agreement, seeks to discover personally identifiable information, the state from whom the information is sought should make a reasonable and timely effort to notify the individual of such request.

This privacy policy is subject to enforcement by the Attorney General. All other laws and regulations regarding the collection, use, and maintenance of confidential taxpayer information remain fully applicable and binding. Without limitation, this subsection does not enlarge or limit the state's authority to:

Conduct audits or other reviews as provided under the agreement and state law;

Provide records pursuant to the federal Freedom of Information Act, disclosure laws with governmental agencies, or other regulations;

Prevent, consistent with state law, disclosure of confidential taxpayer information;

Prevent, consistent with federal law, disclosure or misuse of federal return information obtained under a disclosure agreement with the Internal Revenue Service; and

Collect, disclose, disseminate, or otherwise use anonymous data for governmental purposes.

Sec. 2. Original section 77-2711, Revised Statutes Supplement, 2019, is repealed.

On page 1, line 2, strike beginning with "Reissue" through "Nebraska" and insert "Revised Statutes Supplement, 2019".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Friday, January 31, 2020 1:30 p.m.
LB745
LB832
LB924
LB945
LB975
LB1007
LB1036

(Signed) Steve Lathrop, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1163. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2018; to
provide for transportation and temporary off-site storage of alcoholic liquor by retail licensees for customer pickup as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1164.** Introduced by Walz, 15.


**LEGISLATIVE BILL 1165.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to livestock; to amend sections 33-151, 54-180, 54-193, 54-194, 54-196, 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,107, 54-1,116, 54-1,118, 60-3,135, 60-480.01, 81-1346, and 84-1005, Reissue Revised Statutes of Nebraska, sections 54-170, 54-198, 54-1,100, 54-1,105, 54-1,115, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2018, and sections 11-201, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019; to eliminate the Nebraska Brand Committee; to change and eliminate definitions; to state legislative findings; to provide powers and duties for the Department of Agriculture under the Livestock Brand Act; to terminate a fund; to eliminate provisions regarding brand inspection and feedlot registration; to change provisions relating to evidence and questions of ownership, out-of-state brands, and estrays; to transfer powers, duties, functions, obligations, and funds as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 54-173, 54-174, 54-175, 54-176, 54-182, 54-185, 54-186, 54-188, 54-197, 54-1,106, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,117, and 54-1,127, Reissue Revised Statutes of Nebraska, sections 54-175.01, 54-179, 54-186.01, 54-191, 54-195, 54-1,108, 54-1,110, 54-1,111, 54-1,119, 54-1,120, 54-1,121, 54-1,122, 54-1,129, 54-1,130, 54-1,131, and 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and section 54-192, Revised Statutes Supplement, 2019; and to declare an emergency.

**LEGISLATIVE BILL 1166.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2018; to change school district membership requirement provisions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1167.** Introduced by Albrecht, 17.
A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Reissue Revised Statutes of Nebraska; to require a public body to allow members of the public an opportunity to speak at each meeting; and to repeal the original section.


A BILL FOR AN ACT relating to education; to amend section 85-2101, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the State Lottery Operation Trust Fund; to adopt the College Credit Testing Fee Reduction Program Act and the Career-Readiness and Dual-Credit Education Grant Program Act; to add a fund to the Access College Early Scholarship Program Act; and to repeal the original sections.

LEGISLATIVE BILL 1169. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to juveniles; to create and provide duties for the Nebraska Integrated Juvenile Data Governing Body; to create the Nebraska Juvenile Justice Information System; and to provide for reports.

MOTION(S) - Withdraw LB754

Senator Blood offered her motion, MO124, found on page 381, to withdraw LB754.

The Blood motion to withdraw the bill prevailed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Williams moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 364:
   Department of Economic Development
   Anthony Goins - Director

Voting in the affirmative, 42:

Albrecht  Chambers  Hilgers  Lowe  Stinner
Arch  Clements  Hilkemann  McCollister  Vargas
Blood  Crawford  Howard  McDonnell  Walz
Bolz  Dorn  Hunt  Moser  Wayne
Bostelman  Erdman  Kolowski  Murman  Williams
Brandt  Geist  Koltermann  Fansing Brooks  Wishart
Brewer  Gragert  Lathrop  Quick
Briese  Groene  Lindstrom  Scheer
Cavanaugh  Halloran  Linehan  Slama
Voting in the negative, 0.
Present and not voting, 3:
DeBoer Friesen Hansen, M.
Excused and not voting, 4:
Hansen, B. Hughes La Grone Morfeld

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

Committee AM607, found on page 822, First Session, 2019, 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 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Committee AM686, found on page 828, First Session, 2019, was offered.

Senator Cavanaugh offered her amendment, AM2053, found on page 228, to the committee amendment.

The Cavanaugh amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 11 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1170. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-129, Reissue Revised Statutes of Nebraska, and sections 38-101, 68-901, and 68-915, Revised Statutes Supplement, 2019; to provide for
implicit bias training and instruction to applicants and professionals under the Uniform Credentialing Act, for reimbursement for the services of a doula, and for a pilot program regarding the social determinants of health for pregnant women and mothers; to change provisions relating to eligibility for medical assistance; to harmonize provisions; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Healthy Pregancies for Incarcerated Women Act; to amend sections 47-1001, 47-1002, and 47-1003, Revised Statutes Supplement, 2019; to state intent; to define terms; to provide for breastfeeding and milk expression by a prisoner or detainee and for a mother and infant to live together; to require a parent separation policy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1172. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247.02 and 43-408, Reissue Revised Statutes of Nebraska; to provide requirements for a court order for placement at a youth rehabilitation and treatment center; to provide powers and duties for the Department of Health and Human Services; to require a report regarding services provided at a youth rehabilitation and treatment center and a needs analysis and plan for assistance as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1173. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to hunting; to amend sections 37-410, 37-447, 37-449, 37-450, 37-456, and 37-560, Reissue Revised Statutes of Nebraska, and section 37-455, Revised Statutes Supplement, 2019; to provide for limited transferable permits to hunt either antelope, deer, or elk as prescribed; to provide duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1174. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2112 and 81-2116, Reissue Revised Statutes of Nebraska, section 81-2102, Revised Statutes Cumulative Supplement, 2018, and section 81-2108, Revised Statutes Supplement, 2019; to redefine a term; to provide requirements for supervision of apprentices; to provide and change provisions regarding special electrician licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1175. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax
Act; to amend section 77-3005, Reissue Revised Statutes of Nebraska, and sections 77-3007 and 77-3011, Revised Statutes Supplement, 2019; to impose and levy a tax on cash devices; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1176.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418.01, 28-1419, and 28-1425, Revised Statutes Supplement, 2019; to change provisions relating to the sale of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to define and redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 1177.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to education; to amend section 11-101.01, Reissue Revised Statutes of Nebraska; to eliminate requirements for teachers and employees paid with public school funds to swear an oath of office and make a pledge; to repeal the original section; and to outright repeal section 79-8,108, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1178.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5207 and 19-5208, Revised Statutes Cumulative Supplement, 2018; to prohibit land banks from entering into certain agreements to temporarily hold real property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1179.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,119 and 77-5905, Reissue Revised Statutes of Nebraska, sections 49-801.01 and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 50-1209 and 77-2711, Revised Statutes Supplement, 2019; to adopt the ImagiNE Small Business and Urban Revitalization Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1180.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2004 and 29-2005, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to alternate jurors; to state intent regarding construction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1181.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-101 and
28-105, Revised Statutes Supplement, 2019; to adopt the Fair Sentencing Act; to allow courts to impose sentences without mandatory minimums for certain controlled substance offenses; to prohibit holding a defendant in custody awaiting trial beyond a prescribed period; to define terms; to exclude certain nonviolent felonies from the habitual criminal enhancement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1182.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to drugs; to amend section 71-7611, Revised Statutes Supplement, 2019; to provide for notice of new drug or biologics license applications and for a study of drug costs; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 1183.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2455, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Supplement, 2019; to create the Health Information Technology Board; to provide powers and duties; to change provisions relating to the prescription drug monitoring system; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1184.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to require standards for inpatient psychiatric units and psychiatric residential treatment facilities as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1185.** 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 the Department of Health and Human Services; to amend section 71-1908, Reissue Revised Statutes of Nebraska, and sections 68-1206 and 71-1912, Revised Statutes Supplement, 2019; to change provisions relating to criminal history record information checks for child care staff members and child care providers; to define a term; to harmonize provisions; to provide for criminal history record information checks for unlicensed providers of child care participating in the federal child care subsidy program; and to repeal the original sections.

**LEGISLATIVE BILL 1186.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to school districts; to amend section 79-8,106, Reissue Revised Statutes of Nebraska; to require that usual salary be paid to injured school district employees as prescribed; and to repeal the original section.
AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB424:
AM2122 is available in the Bill Room.

Senator Pansing Brooks filed the following amendment to LB230:
AM2121 (Amendments to Standing Committee amendments, AM450)
1 1. On page 5, strike beginning with "or" in line 28 through
2 "majority" in line 29.

Senator Morfeld filed the following amendment to LB206:
AM2136 (Amendments to Standing Committee amendments, AM430)
1 1. On page 4, after line 26 insert the following new subsection:
2 *(8) This section shall not be construed to interfere with a school
3 administrator's ability to provide appropriate professional feedback
4 consistent with rules and regulations adopted and promulgated by the
5 State Department of Education regarding personnel."

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Thursday, January 30, 2020 1:30 p.m.
Norris Marshall - Environmental Quality Council
LB770
LB863

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 231. Title read. Considered.

SPEAKER SCHEER PRESIDING

Senator Groene offered the following motion:
MO125
Recommit to the Judiciary Committee.

SENATOR HILGERS PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.
BILL ON FIRST READING

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

LEGISLATIVE BILL 1187. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to professions and occupations; to amend section 84-933, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Occupational Board Reform Act; to require occupational boards to issue an occupational license or government certification based on occupational licensure, government certification, private certification, or work experience in another state; to provide for jurisprudential examinations and appeals from denial of a license; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1188. Introduced by Howard, 9; Murman, 38; Walz, 15.

A BILL FOR AN ACT relating to juveniles; to amend section 43-401, Reissue Revised Statutes of Nebraska, and section 79-1119.01, Revised Statutes Supplement, 2019; to provide duties for the Office of Juvenile Services relating to education; to change the definition of interim-program schools; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1189. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to firefighters; to amend section 77-2716, Revised Statutes Supplement, 2019; to adopt the Firefighter Cancer Benefits Act; to provide for an income tax exemption for such benefits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1190. Introduced by Briese, 41.

A BILL FOR AN ACT relating to infants and juveniles; to amend sections 43-1802 and 43-1803, Reissue Revised Statutes of Nebraska; to change provisions related to grandparent visitation; and to repeal the original sections.

LEGISLATIVE BILL 1191. Introduced by Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to state employees; to amend section 43-401, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to require the Department of Health and Human Services, the Office of Juvenile Services, and the Department of Correctional Services to allow employees to speak to members of the Legislature and the Public Counsel as prescribed; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 1192. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3523, Reissue Revised Statutes of Nebraska; to limit the total amount reimbursed by the state for homestead exemptions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1193. Introduced by Linehan, 39.


LEGISLATIVE BILL 1194. Introduced by Walz, 15.

A BILL FOR AN ACT relating to public defenders; to amend section 23-3404, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of a public defender in certain counties; and to repeal the original section.

LEGISLATIVE BILL 1195. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public records; to amend sections 84-712.01 and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 2019; to change provisions relating to access to public records; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to pharmacy benefits; to amend sections 68-901 and 71-2484, Revised Statutes Supplement, 2019; to adopt the Pharmacy Benefit Manager Regulation Act; to transfer provisions related to
pharmacy benefits; to require an audit as prescribed; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1197. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 49-506, Revised Statutes Supplement, 2019; to change the distribution of session laws and legislative journals to the College of Law; and to repeal the original section.

LEGISLATIVE BILL 1198. Introduced by Stinner, 48.

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

LEGISLATIVE BILL 1199. Introduced by Lindstrom, 18; Kolterman, 24; Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3520 and 44-3523, Reissue Revised Statutes of Nebraska, and section 44-3521, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to motor vehicle service contract reimbursement insurance policies; to define a term; to provide requirements for motor vehicle service contract providers; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Brewer, 43; Halloran, 33.

A BILL FOR AN ACT relating to livestock; to amend sections 33-151, 54-173, 54-174, 54-175, 54-176, 54-180, 54-182, 54-183, 54-184, 54-186, 54-193, 54-194, 54-196, 54-197, 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,106, 54-1,107, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,116, 54-1,117, 54-1,118, 54-1,124, 54-1,125, 54-1,126, 54-1,127, 60-3,135, 60-480.01, and 84-1005, Reissue Revised Statutes of Nebraska, sections 54-170, 54-171, 54-172, 54-175.01, 54-179, 54-189, 54-191, 54-195, 54-198, 54-1,100, 54-1,105, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,119, 54-1,120, 54-1,121, 54-1,122, 54-1,128, 54-1,129, 54-1,130, 54-1,131, 54-415, 54-789, and 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and sections 54-192, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019; to rename the Livestock Brand Act; to define and redefine terms; to rename the Nebraska Brand Committee; to rename a fund; to provide for certain livestock identifiers; to change and provide for fees; to change inspection provisions; to provide for violations and penalties; to change registered feedlot requirements; to change provisions relating to estrays; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1201. Introduced by Bostelman, 23; Brandt, 32; Brewer, 43; Kolterman, 24; Lowe, 37; McCollister, 20; Pansing Brooks, 28.
A BILL FOR AN ACT relating to natural resources; to state legislative findings and intent; to create the Flood Mitigation and Planning Task Force; to provide duties; to require reports; and to provide a termination date.

**LEGISLATIVE BILL 1202.** Introduced by Linehan, 39; Albrecht, 17; Clements, 2; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Supplement, 2019; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1203.** Introduced by Linehan, 39; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to change provisions relating to an income tax deduction for dividends received or deemed to be received from certain corporations; and to repeal the original section.

**LEGISLATIVE BILL 1204.** Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1501, 68-1502, 68-1503, 68-1505, 68-1506, 68-1508, 68-1510, 68-1511, 68-1512, 68-1513, 68-1514, 68-1515, 68-1516, 68-1518, and 68-1519, Reissue Revised Statutes of Nebraska, and section 83-1212.01, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to require submission of a waiver application; to provide for a family support program; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1205.** Introduced by McCollister, 20; Hunt, 8; Kolowski, 31; Pansing Brooks, 28.

A BILL FOR AN ACT relating to renewable energy; to adopt the Renewable Energy Standards Act; and to provide an operative date.

**LEGISLATIVE BILL 1206.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to education; to amend section 71-1962, Reissue Revised Statutes of Nebraska; to require reporting to the Nebraska Early Childhood Professional Record System; and to repeal the original section.

**LEGISLATIVE BILL 1207.** Introduced by McCollister, 20; Crawford, 45; DeBoer, 10; Vargas, 7; Wayne, 13.
A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 1208. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-4,109, 83-4,110, 83-4,111, 83-4,112, 83-4,113, 83-4,115, 83-4,120, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, sections 25-3401, 83-170, 83-173, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2018, and section 83-173.03, Revised Statutes Supplement, 2019; to name an act; to provide, change, and eliminate definitions; to change and eliminate provisions relating to discipline, confinement status, solitary confinement, restrictive housing, immediate segregation, disciplinary segregation, and rules and regulations; to provide duties for the Department of Correctional Services; to prohibit double bunking; to provide requirements and procedures for the use of statements or testimony by informants; 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.

LEGISLATIVE BILL 1209. Introduced by Vargas, 7; Hunt, 8; Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2258, 29-3601, 29-3602, 29-3603, and 29-3606, Reissue Revised Statutes of Nebraska, and section 23-1201, Revised Statutes Cumulative Supplement, 2018; to name an act; to provide for caregiver diversion programs; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-3604, 29-3605, 29-3607, 29-3608, and 29-3609, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1210. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2019; to create the offense of sexual exploitation of a student; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1211. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-505 and 13-508, Revised Statutes Cumulative Supplement, 2018; to change requirements for the preparation of proposed budget statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1212. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections
77-1601 and 77-1776, Reissue Revised Statutes of Nebraska, and section 77-1601.02, Revised Statutes Supplement, 2019; to adopt the Property Tax Request Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1213.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to government; to amend sections 2-2701, 77-201, 77-382, 77-1391, 77-1601, 77-1776, 77-2004, 77-2701.02, 77-2704.10, 77-2704.24, 77-2704.30, 77-2704.50, 77-2704.51, 77-2715.03, 77-27,132, 77-3005, and 77-5023, Reissue Revised Statutes of Nebraska, section 79-1001, Revised Statutes Cumulative Supplement, 2018, and sections 77-1601.02 and 77-2701.16, Revised Statutes Supplement, 2019; to change the valuation of real property; to adopt the Property Tax Request Act; to change an inheritance tax rate; to change the sales tax rate; to change and eliminate certain sales and use tax exemptions; to impose sales and use tax on certain services; to change individual income tax rates; to terminate the Tax Equity and Educational Opportunities Support Act; to adopt the New School Aid Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-2704.07, 77-2704.27, 77-2704.36, 77-2704.65, and 77-2704.67, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1214.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Economic Development Grant Act.

**LEGISLATIVE BILL 1215.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services to fund all persons on the wait list for the developmental disability services waiver.

**GENERAL FILE**

**LEGISLATIVE BILL 231.** The Groene motion, MO125, found in this day's Journal, to recommit to the Judiciary Committee, was renewed.

**SENATOR HUGHES PRESIDING**

Senator Chambers offered the following motion:

MO126
Bracket until January 24, 2020.

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

**LEGISLATIVE BILL 1216.** Introduced by Vargas, 7; Stinner, 48.

A BILL FOR AN ACT relating to economic development; to adopt the H3 Rural Renewal Award Act; to provide duties for the Department of Labor; to create funds; to provide for termination.

**LEGISLATIVE BILL 1217.** Introduced by Wayne, 13; Hunt, 8.

A BILL FOR AN ACT relating to schools; to require individualized response plans following a report of certain types of incidents involving students as prescribed.

**LEGISLATIVE BILL 1218.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Historically Underutilized Business Program Act; to provide a penalty; and to provide an operative date.

**LEGISLATIVE BILL 1219.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to hemp; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2018, and sections 2-501, 2-503, 2-504, 2-505, 2-506, 2-509, 2-514, 2-515, 2-516, 2-517, 28-101, and 28-401, Revised Statutes Supplement, 2019; to provide, change, and eliminate definitions; to change authorized activities relating to hemp; to change and provide duties for the Department of Agriculture; to change requirements for the transportation of hemp; to change provisions relating to appointment of and to the Nebraska Hemp Commission; to provide for no preemption of certain local regulation; to change provisions of the Uniform Controlled Substances Act; to prohibit the sale of post-processed hemp and consumable hemp products to minors and prohibit the possession of such hemp or products by minors; to provide for labeling requirements; to prohibit the manufacture of consumable hemp products for sale within Nebraska; to prohibit the distribution of consumable hemp products within Nebraska; to provide penalties; to adopt the Nebraska Hemp Transportation and Sales Licensing Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 1220.** Introduced by Wayne, 13.

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 State Treasurer and Tax Commissioner.
LEGISLATIVE BILL 1221. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Revised Statutes Cumulative Supplement, 2018, and section 28-401, Revised Statutes Supplement, 2019; to redefine terms; to remove cannabidiol and tetrahydrocannabinol in a drug product approved by the federal Food and Drug Administration from the controlled substances schedules; to designate nabiximols in a drug product approved by the federal Food and Drug Administration a Schedule III controlled substance; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 299. Introduced by Bolz, 29.

WHEREAS, Mitchell Texel, a member of Troop 25B of Lincoln, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

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

WHEREAS, Mitchell displayed his commitment to community service by erecting a permanent flagpole at St. Mark's United Methodist Church on September 11, 2019; and

WHEREAS, Mitchell, 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, SECOND SESSION:

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

Laid over.

LEGISLATIVE RESOLUTION 300CA. Introduced by Erdman, 47; Brewer, 43; Clements, 2; Friesen, 34; Gragert, 40; Halloran, 33; Hilkemann, 4; McDonnell, 5; Murman, 38; Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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, sections 1 and 12, and Article XIII, sections 2 and 4, and repeal Article VIII, sections 1A, 2, 3, 10, and 13:

VIII-1 Notwithstanding any other provision of this Constitution to the contrary, effective January 1, 2022, the State of Nebraska and all political subdivisions of the state shall be prohibited from imposing any form of taxation other than a single-rate consumption tax. The Legislature shall enact a single-rate consumption tax which shall begin no later than January 1, 2022. Such consumption tax shall apply to the consumption of new goods and services. The Legislature shall be prohibited from granting any exemptions from such consumption tax. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this 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; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide for a separate class for horticultural land which results in values that are not uniform and proportionate with all other real property and franchises; (5) 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; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect
a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

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.

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.

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if
such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. Subject to such vote, funds may be derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.

XIII‑4 Notwithstanding any other provision in this Constitution, the Legislature may authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this section by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by
mortgage upon such property. No such governmental subdivision shall have
the power to operate any such property as a business or in any manner
except as the lessor thereof.

Article VIII, sections 1A, 2, 3, 10, and 13, of the Constitution of Nebraska
are repealed.

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 prohibit the state and all political subdivisions from imposing any form of taxation other than a single-rate consumption tax and to require the Legislature to enact such a tax.

For
Against.

LEGISLATIVE RESOLUTION 301. Introduced by McCollister, 20.

WHEREAS, Dr. Kevin Corley spent thirty-seven years as a pediatric endocrinologist with Children's Hospital and Medical Center in Omaha; and
WHEREAS, for most of his years of service, Dr. Corley was the only pediatric endocrinologist in Nebraska; and
WHEREAS, Dr. Corley traveled more than 250,000 miles throughout the state to make his expertise more accessible to patient families; and
WHEREAS, Dr. Corley single-handedly established outreach clinics for Children's Hospital and Medical Center in both Hastings and North Platte; and
WHEREAS, during his tenure in Omaha, Dr. Corley also educated hundreds of colleagues, residents, nurses, and other health professionals; and
WHEREAS, to honor Dr. Corley, Children's Hospital and Medical Center introduced the Dr. Corley Endowed Chair in Pediatric Endocrinology; and
WHEREAS, the endowed chair position will enable Children's Hospital and Medical Center to attract physicians with the best treatment expertise and the ability to build strong research programs to benefit all pediatric patients.

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

1. That the Legislature congratulates Dr. Kevin Corley for the naming in
his honor of the Dr. Kevin Corley Endowed Chair in Pediatric Endocrinology at Children's Hospital and Medical Center in Omaha.
2. That a copy of this resolution be sent to Dr. Kevin Corley and to
Children's Hospital and Medical Center in Omaha.

Laid over.

LEGISLATIVE RESOLUTION 302. Introduced by Hilkemann, 4.

WHEREAS, the Legislature recognizes the accomplishments of exemplary organizations as they celebrate significant anniversaries; and
WHEREAS, the American Automobile Association (AAA), celebrated the one hundredth anniversary of the AAA School Safety Patrol program; and
WHEREAS, the AAA School Safety Patrol program enlists the assistance of select students who volunteer to help younger students as they cross the street on their way to and from school and who help to protect their fellow classmates against traffic hazards; and
WHEREAS, the concept of school safety patrollers began in 1920 when Charles M. Hayes, president of the Chicago Motor Club, pledged support for protecting school-aged children after witnessing a terrible car crash; and
WHEREAS, the program is now one hundred years strong and continues to have a positive impact on schools, students, and communities; and
WHEREAS, AAA School Safety Patrols play an important role in helping young pedestrians learn and fulfill responsibilities regarding traffic safety; and
WHEREAS, millions of children across the country have honorably served their classmates since the program began; and
WHEREAS, today the AAA School Safety Patrol program is the largest school-based safety program in the world with more than six-hundred-seventy-nine thousand patrollers in thirty-five thousand schools across North America and thirty countries, providing a safer environment for child pedestrians and offering a spectrum of educational opportunities for school children; and
WHEREAS, the School Safety Patrol program embodies AAA's mission of providing safety and security to the motoring public.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes the one hundredth anniversary of the American Automobile Association's School Safety Patrol program in Nebraska.
2. That a copy of this resolution be sent to the American Automobile Association of Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Thursday, January 30, 2020 1:30 p.m.
LB1052
LB887
LB847
LB922

(Signed) Sara Howard, Chairperson
TENTH DAY - JANUARY 23, 2020

Appropriations
Room 1003

Thursday, January 30, 2020 1:30 p.m.
Schematic design planning document for construction of office / parking structure at City of Lincoln block bounded by 17th, 18th, K, and L Streets and other matters provided in LB297 (2019) Sec. 45

(Signed) John Stinner, Chairperson

Revenue
Room 1524

Thursday, January 30, 2020 1:30 p.m.
James D. Kuhn - Tax Equalization and Review Commission
LB905
LB810
LB923

(Signed) Lou Ann Linehan, Chairperson

Transportation and Telecommunications
Room 1113

Monday, February 3, 2020 1:30 p.m.
LB898
LB992
LB996

(Signed) Curt Friesen, 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 appointment(s) be confirmed by the Legislature and suggests a record vote.

Gary J. Anthone - Chief Medical Officer and Director - Division of Public Health - Department of Health and Human Services

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson
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.

Robert Phillip Sabin - Nebraska Tourism Commission


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.

Rod Buethe - State Emergency Response Commission
Polly Ann Jordening - State Emergency Response Commission
Kyle Keeling - State Emergency Response Commission
Tonya Ngotel - State Emergency Response Commission
Kimberly K. Plouzek - State Emergency Response Commission


(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Dorn filed the following amendment to LB107:

AM2117

(Amendments to Standing Committee amendments, AM356)

1 1. Strike amendment 2 and insert the following new amendment:
2 2. On page 7, line 23, strike "Fees" and insert "The amount of the
3 fees"; and in line 24 after "trustees" insert "based on the amounts
4 actually necessary to administer the licensing program, but not to exceed
5 twenty-five dollars per license".

Senator Chambers filed the following amendment to LB518:

FA92

Amend AM899

1. Page 1 add, "(g) It is appropriate to recognize and acknowledge some of the more renowned members of the All-American Pantheon of Human Traffickers: (1) George Washington, (2) Thomas Jefferson, (3) James Madison, (4) Andrew Jackson, (5) James Monroe, (6) Alexander Hamilton, (7) Patrick Henry, and (8) Francis Scott Key."
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB206.
Senator M. Hansen name added to LB534.
Senator Arch name added to LB825.
Senator B. Hansen name added to LB825.
Senator Cavanaugh name added to LB825.
Senator Hilkemann name added to LB1019.
Senator M. Hansen name added to LB1040.
Senator Bolz name added to LB1148.

VISITOR(S)

Visitors to the Chamber were a group from Black Hills Energy from across the state.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Friday, January 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
ELEVENTH DAY - JANUARY 24, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 2020

PRAYER

The prayer was offered by Pastor Tyler Hauptmeier, St. Paul's Lutheran Church, Doniphan.

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 McDonnell who was excused; and Senators B. Hansen, Howard, Morfeld, Pansing Brooks, Vargas, Walz, and Wayne 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:

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LB1160  Business and Labor
LB1161  Appropriations
LB1162  Revenue
LR297  Executive Board
LR298  Executive Board

(Signed)  Mike Hilgers, Chairperson
Executive Board
LEGISLATIVE BILL 734. Placed on Select File with amendment.

ER152
1 1. On page 1, line 1, strike "act" and insert "Act"; and in line 4
2 after "charter" insert "or special party".

LEGISLATIVE BILL 734A. Placed on Select File.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 303. Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School one act team won the
2019 NSAA Class C-2 State Play Production Championship; and
WHEREAS, the Hartington-Newcastle Wildcats earned their first place
finish with a score of 176 points for their production of Young Frankenstein,
narrowly defeating the Loup City Rebels by three points; and
WHEREAS, under the direction of head coach A.J. Johnson, Hartington-
Newcastle has earned three state championship titles in a row; and
WHEREAS, senior Sam Harms earned the Class C-2 Outstanding Male
Performer for the third year in a row; and
WHEREAS, the Hartington-Newcastle Wildcats have proven themselves
to be a powerhouse in one act productions, having won the Class C-2 State
Play Production Championship eight times since 2011; 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, SECOND
SESSION:
1. That the Legislature congratulates the Hartington-Newcastle one act
team on winning the 2019 NSAA Class C-2 Play Production Championship.
2. That a copy of this resolution be sent to the Hartington-Newcastle High
School, Sam Harms, and Coach A.J. Johnson.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 23,
2020, 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
Beyer, Nolan
Millard Public Schools

Davis, Hillary
Student Press Law Center

Hunter-Pirtle, Ann
Stand for Schools

Kissel Kohout ES Associates, LLC
Autism Center of Nebraska
Hands of Heartland

Mueller Robak
The American Law Institute

O'Hara Lindsay & Associates, Inc.
Heartland Surgery Center

Pappas, James E.
League of Human Dignity

Peetz & Company
Service Contract Industry Council

Rasmussen, Jordan
Center for Rural Affairs

Richardson, Amy
Women's Center for Advancement

Sipple, Adam
ACLU Nebraska

REPORTS

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

SELECT FILE

**LEGISLATIVE BILL 740.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 741.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 582.** ER143, found on page 344, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 153.** ER137, found on page 291, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 30.** ER138, found on page 325, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 93. ER139, found on page 325, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 230. ER141, found on page 329, was adopted.

Senator Pansing Brooks offered her amendment, AM2121, found on page 401.

The Pansing Brooks amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**WITHDRAW - Amendment to LB4**

Senator Stinner withdrew his amendment, AM893, found on page 1443, First Session, 2019, to LB4.

**MOTION(S) - Return LB4 to Select File**

Senator Stinner moved to return LB4 to Select File for his specific amendment, AM1981, found on page 145.

The Stinner motion to return prevailed with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

**SELECT FILE**

LEGISLATIVE BILL 4. The Stinner specific amendment, AM1981, found on page 145, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Amendment to LB4A**

Senator Stinner withdrew his amendment, AM1863, found on page 1575, First Session, 2019, to LB4A.

**MOTION(S) - Return LB4A to Select File**

Senator Stinner moved to return LB4A to Select File for his specific amendment, AM1990, found on page 179.

The Stinner motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.
SELECT FILE

LEGISLATIVE BILL 4A. The Stinner specific amendment, AM1990, found on page 179, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 231. Senator Chambers withdrew his motion, MO126, found on page 407, to bracket until January 24, 2020.

Senator Groene renewed his motion, MO125, found on page 401 and considered on page 407, to recommit to the Judiciary Committee.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Friday, January 31, 2020 1:30 p.m.
LB849
LB977
LB1061
LB759

(Signed) Sara Howard, Chairperson

Revenue
Room 1524

Friday, January 31, 2020 1:30 p.m.
LB1033
LB1070
LB1074

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 287. Senator Hughes renewed his motion, MO114, found on page 278 and considered on page 287, to recommit to the Natural Resources Committee.

Senator Hughes withdrew his motion to recommit to committee.
Senator Chambers offered the following motion:

**MO127**
Indefinitely postpone.

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 motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 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
- Vargas
- Brewer
- Geist
- Hughes
- Morfeld
- Walz
- Briese
- Gragert
- Kolowski
- Moser
- Williams
- Cavanaugh
- Groene
- Kolterman
- Murman
- Wishart

Present and not voting, 2:

- Chambers
- Hunt

Excused and not voting, 2:

- McDonnell
- Wayne

The Chambers motion to indefinitely postpone 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:

**MO128**
Reconsider the vote to indefinitely postpone.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.
ELEVENTH DAY - JANUARY 24, 2020

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 266. Placed on Select File.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Business and Labor
Room 1524

Monday, February 3, 2020 1:30 p.m.
LB962
LB1060
LB915
LB788
LB1016

(Signed) Matt Hansen, Chairperson

Nebraska Retirement Systems
Room 1525

Wednesday, February 5, 2020 12:10 p.m.
LB1054

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB283:
AM2116
1. Strike original section 1 and insert the following new section:
2. Section 1. The Legislature finds that:
3. (1) Pests, drought, floods, high winds, and other extreme weather
4. events present serious, diverse, and ongoing issues for Nebraska. Many
5. sectors and resources are impacted by such extreme weather, including
6. agriculture, water, health care, energy generation and usage, ecosystems,
7. forestry, rural and urban communities, transportation, and commerce and
8. industry. Nebraska's life-giving water and soil resources continue to be
9. subject to new stressors and risks;
10. (2) Opportunities exist for the people of Nebraska to respond
11. appropriately to these risks, including economic opportunities through
12. development of renewable energy from our abundant wind and solar
13. resources, biofuels, and nuclear power, through reduction of pollutants,
14. through efforts to reduce the use of fossil fuels, through strengthened
15. private property rights by having public input on infrastructure and
16. reduced eminent domain use, and through development of new technologies,
17. new agricultural crops and harvesting methods, and new products that
18. match Nebraska's vibrant and changing needs and resources;
19. (3) The report Understanding and Assessing Climate Change:
20. Implications for Nebraska, University of Nebraska-Lincoln, 2014, provides
WHEREAS, Patty Moore became a registered nurse in 2001 and began her nursing career in the maternity center at CHI Health Good Samaritan Hospital in Kearney; and
WHEREAS, over the last eighteen years, Patty Moore has provided exemplary patient care and has gone above and beyond for her patients and their families; and
WHEREAS, the Daisy Award for Extraordinary Nurses is presented to nurses for the clinical skill and compassion provided to patients and families all year long; and
WHEREAS, the Daisy Foundation was established in 1999 in memory of Patrick Barnes who died at thirty-three years of age due to an autoimmune disease; and
WHEREAS, the Daisy Award for Extraordinary Nurses is recognized in over four thousand healthcare facilities in all fifty states and twenty-five countries; and
WHEREAS, Patty Moore was recognized for her commitment to personalized care and received the Daisy Award for Extraordinary Nurses on December 18, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Patty Moore for receiving the Daisy Award for Extraordinary Nurses and thanks her for an impactful nursing career serving Nebraskans.
2. That a copy of this resolution be sent to Patty Moore and CHI Health Good Samaritan Hospital.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB518.
Senator Blood name added to LB534.
Senator M. Hansen name added to LB777.
Senator Murman name added to LB825.
Senator Lathrop name added to LB1019.
Senator Crawford name added to LB1019.
Senator Kolowski name added to LB1072.
Senator Lowe name added to LB1084.
Senator Crawford name added to LB1084.
Senator Kolowski name added to LB1084.
Senator La Grone name added to LB1203.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, January 27, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWELFTH DAY - JANUARY 27, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 2020

PRAYER

The prayer was offered by Pastor José Flores, Trinity Friedensau and St. Mark Lutheran Churches, Hebron and Ruskin.

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 Friesen, B. Hansen, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 415, line 7, strike "LB207" and insert "LB297".
The Journal for the tenth day was approved as corrected.

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB1073</td>
<td>Education</td>
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<tr>
<td>LB1149</td>
<td>Health and Human Services (rereferred)</td>
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<tr>
<td>LB1156</td>
<td>Education</td>
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<tr>
<td>LB1163</td>
<td>General Affairs</td>
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<td>Education</td>
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<td>LB1167</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LB1168</td>
<td>Education</td>
</tr>
</tbody>
</table>
LB1169  Judiciary
LB1170  Health and Human Services
LB1171  Judiciary
LB1172  Health and Human Services
LB1173  Natural Resources
LB1174  General Affairs
LB1175  Revenue
LB1176  General Affairs
LB1177  Education
LB1178  Urban Affairs
LB1179  Revenue
LB1180  Judiciary
LB1181  Judiciary
LB1182  Health and Human Services
LB1183  Health and Human Services
LB1184  Health and Human Services
LB1185  Health and Human Services
LB1186  Education
LB1187  Government, Military and Veterans Affairs
LB1188  Health and Human Services
LB1189  Revenue
LB1190  Judiciary
LB1191  Executive Board
LB1192  Revenue
LB1193  Government, Military and Veterans Affairs
LB1194  Judiciary
LB1195  Government, Military and Veterans Affairs
LB1196  Banking, Commerce and Insurance
LB1197  Executive Board
LB1198  Appropriations
LB1199  Banking, Commerce and Insurance
LB1200  Agriculture
LB1201  Natural Resources
LB1202  Revenue
LB1203  Revenue
LB1204  Health and Human Services
LB1205  Natural Resources
LB1206  Education
LB1207  Executive Board
LB1208  Judiciary
LB1209  Judiciary
LB1210  Judiciary
LB1211  Government, Military and Veterans Affairs
LB1212  Revenue
LB1213  Revenue
LB1214  Revenue
LB1215  Appropriations
LB1216  Business and Labor
LB1217  Education
GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR296 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR296.

GENERAL FILE

LEGISLATIVE BILL 310. Title read. Considered.

Committee AM739, found on page 909, First Session, 2019, was offered.

Senator Vargas offered his amendment, AM2099, found on page 323, to the committee amendment.

The Vargas amendment was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 310A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.
Legislative Bill 731. Placed on Select File with amendment.

ER154
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 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 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 15-1102 The general plan for the improvement and development of the
16 city of the primary class shall be known as the comprehensive plan. This
17 plan for governmental policies and action shall include the pattern and
18 intensity of land use, the provision of public facilities including
19 transportation and other governmental services, the effective development
20 and utilization of human and natural resources, the identification and
21 evaluation of area needs including housing, employment, education, and
22 health and the formulation of programs to meet such needs, surveys of
23 structures and sites determined to be of historic, cultural,
24 archaeological, or architectural significance or value, long-range
25 physical and fiscal plans for governmental policies and action, and
26 coordination of all related plans and activities of the state and local
27 governments and agencies concerned. The comprehensive plan, with the
28 accompanying maps, plats, charts and descriptive and explanatory
29 materials, shall show the recommendations concerning the physical
30 development pattern of such city and of any land outside its boundaries
31 related thereto, taking into account the availability of and need for
32 conserving land and other irreplaceable natural resources, the
33 preservation of sites of historic, cultural, archaeological, and
34 architectural significance or value, the projected changes in size,
35 movement, and composition of population, the necessity for expanding
36 housing and employment opportunities, and the need for methods of
37 achieving modernization, simplification, and improvements in governmental
38 structures, systems, and procedures related to growth objectives. The
39 comprehensive plan shall, among other things, show:
40 (1) The general location, character, and extent of existing and
41 proposed streets and highways and railroad, air, and other transportation
42 routes and terminals;
43 (2) Existing and proposed public ways, parks, grounds, and open
44 spaces;
45 (3) The general location, character, and extent of schools, school
46 grounds, and other educational facilities and properties;
47 (4) The general location and extent of existing and proposed public
48 utility installations;
49 (5) The general location and extent of community development and
50 housing activities;
51 (6) The general location of existing and proposed public buildings,
52 structures, and facilities; and
53 (7) When a new comprehensive plan or a full update to an existing
54 comprehensive plan is developed on or after July 15, 2010, but not later
28 plan January 1, 2015, an energy element which: Assesses energy
29 infrastructure and energy use by sector, including residential,
30 commercial, and industrial sectors; evaluates utilization of renewable
31 energy sources; and promotes energy conservation measures that benefit
1 the community.
2 The comprehensive plan shall include a land-use plan showing the
3 proposed general distribution and general location of business and
4 industry, residential areas, utilities, and recreational, educational,
5 and other categories of public and private land uses. The land-use plan
6 shall also show the recommended standards of population density based
7 upon population estimates and providing for activities for which space
8 should be supplied within the area covered by the plan. The comprehensive
9 plan shall include and show proposals for acquisition, extension,
10 widening, narrowing, removal, vacation, abandonment, sale, and other
11 actions affecting public improvements.
12 Sec. 3. Section 19-903, Revised Statutes Supplement, 2019, is
13 amended to read:
14 19-903 The regulations and restrictions authorized by sections
15 19-901 to 19-915 shall be in accordance with a comprehensive development
16 plan which shall consist of both graphic and textual material and shall
17 be designed to accommodate anticipated long-range future growth which
18 shall be based upon documented population and economic projections. The
19 comprehensive development plan shall, among other possible elements,
20 include:
21 1) A land-use element which designates the proposed general
22 distributions, general location, and extent of the uses of land for
23 agriculture, housing, commerce, industry, recreation, education, public
24 buildings and lands, and other categories of public and private use of
25 land;
26 2) The general location, character, and extent of existing and
27 proposed major roads, streets, and highways, and air and other
28 transportation routes and facilities;
29 3) The general location, type, capacity, and area served of present
30 and projected or needed community facilities including recreation
31 facilities, schools, libraries, other public buildings, and public
1 utilities and services;
2 4) When a new comprehensive plan or a full update to an existing
3 comprehensive plan is developed on or after July 15, 2010, but not later
4 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. This subdivision shall not apply to villages; and
9 5) When next amended after January 1, 1995, an identification of
10 sanitary and improvement districts, subdivisions, industrial tracts,
11 commercial tracts, and other discrete developed areas which are or in the
12 future may be appropriate subjects for annexation and (b) a general
13 review of the standards and qualifications that should be met to enable
14 the municipality to undertake annexation of such areas. Failure of the
15 plan to identify subjects for annexation or to set out standards or
16 qualifications for annexation shall not serve as the basis for any
17 challenge to the validity of an annexation ordinance.
18 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
19 designed to lessen congestion in the streets; to secure safety from fire,
20 panic, and other dangers; to promote health and the general welfare; to
21 provide adequate light and air; to prevent the overcrowding of land; to
22 secure safety from flood; to avoid undue concentration of population; to
23 facilitate the adequate provision of transportation, water, sewerage,
24 schools, parks, and other public requirements; to protect property
25 against blight and depreciation; to protect the tax base; to secure
26 economy in governmental expenditures; and to preserve, protect, and
27 enhance historic buildings, places, and districts.
28 Such regulations shall be made with reasonable consideration, among
29 other things, for the character of the district and its peculiar
30 suitability for particular uses and with a view to conserving the value
31 of buildings and encouraging the most appropriate use of land throughout
1 such municipality.
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-
28 range future growth which shall be based upon documented population and
29 economic projections.
30 Sec. 5. Original sections 14-403.01, 15-1102, and 23-114.02,
31 Reissue Revised Statutes of Nebraska, and section 19-903, Revised
32 Statutes Supplement, 2019, are repealed.
33 1. On page 1, strike beginning with "municipalities" in line 1
34 through "Nebraska" in line 3 and insert "political subdivisions; to amend
35 sections 14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of
36 Nebraska, and section 19-903, Revised Statutes Supplement, 2019".

**LEGISLATIVE BILL 534. Placed on Select File with amendment.**

ER153
1 1. On page 1, strike beginning with "a" in line 1 through line 2 and
2 insert "public postsecondary institutions to submit reports regarding
3 sexual violence, dating violence, domestic violence, and stalking; to
4 require public hearings as prescribed; and to define terms.

(Signed) Julie Slama, Chairperson

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

Senator Bolz filed the following amendment to LB813:

AM2147
1 1. On page 2, line 12, after "expanding" insert "federally
2 approved"; in line 14 after "the" insert "federally approved"; in line 18
3 after the semicolon insert "or"; in line 20 after "establishing" insert
4 "federally approved"; in line 21 after "employers" insert "or training
5 agencies"; in line 22 strike "or" and after "costs" insert an underscored
6 comma; and strike beginning with "needed" in line 23 through "for" in
7 line 26 and insert "tuition assistance".

ANNOUNCEMENT(S)

Priority designation(s) received:
Nebraska Retirement Systems - LB1054

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.

James W. Hawks - Environmental Quality Council
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.

Jeff T. Kanger - Nebraska Environmental Trust Board
Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser,
Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)
General Affairs
Room 1510

Monday, February 3, 2020 1:30 p.m.
LB1064
LB1056
LB862
LB1174
LB1176

(Signed) Tom Briese, Chairperson
Monday, February 3, 2020 1:30 p.m.
LB760
LB929
LB1063

Tuesday, February 4, 2020 1:30 p.m.
LB757
LB886
LB1014
LB1123

(Signed) Matt Williams, Chairperson

Appropriations
Room 1003

Monday, February 3, 2020 1:30 p.m.
Agency 18 - Agriculture, Department of
Agency 22 - Insurance, Department of
Agency 29 - Natural Resources, Department of
Agency 30 - Electrical Board, State
Agency 33 - Game and Parks Commission

(Signed) John Stinner, Chairperson

Urban Affairs
Room 1510

Tuesday, February 4, 2020 1:30 p.m.
LB973
LB794
LB866
LB1155
LB999
LB1135

Tuesday, February 11, 2020 1:30 p.m.
LB745
LB1116
LB864
LB1114
LB984
LB1178
LB960
MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1046:

MO129
Rerefer bill to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Committee AM899, found on page 968, First Session, 2019, was offered.

Senator Chambers offered his amendment, FA92, found on page 416, to the committee amendment.

SENATOR HILGERS PRESIDING

Senator Chambers withdrew his amendment.

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO130
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

SENATOR HUGHES PRESIDING

Senator Chambers offered the following motion:

MO131
Indefinitely postpone.
Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 7 nays, and 20 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:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Hansen, M.</th>
<th>Lindstrom</th>
<th>Slama</th>
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<tbody>
<tr>
<td>Arch</td>
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<td>Hilkemann</td>
<td>Lowe</td>
<td>Vargas</td>
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<td>Bolz</td>
<td>Dorn</td>
<td>Howard</td>
<td>McCollister</td>
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<td>Erdman</td>
<td>Hughes</td>
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<td>Hunt</td>
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<td>Gragert</td>
<td>Kolowski</td>
<td>Murman</td>
<td>Wishart</td>
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<td>Briese</td>
<td>Groene</td>
<td>Kolterman</td>
<td>Pansing Brooks</td>
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<td>Cavanaugh</td>
<td>Halloran</td>
<td>La Grone</td>
<td>Quick</td>
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<tr>
<td>Chambers</td>
<td>Hansen, B.</td>
<td>Lathrop</td>
<td>Scheer</td>
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</tbody>
</table>

Excused and not voting, 2:

| Geist | Morfeld |

The Chambers motion to indefinitely postpone failed with 0 ayes, 47 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

- **LEGISLATIVE BILL 4.** Placed on Final Reading Second.
- **LEGISLATIVE BILL 4A.** Placed on Final Reading Second.
- **LEGISLATIVE BILL 30.** Placed on Final Reading.
- **LEGISLATIVE BILL 93.** Placed on Final Reading.
- **LEGISLATIVE BILL 153.** Placed on Final Reading.
- **LEGISLATIVE BILL 230.** Placed on Final Reading.
- **LEGISLATIVE BILL 582.** Placed on Final Reading.
- **LEGISLATIVE BILL 740.** Placed on Final Reading.
- **LEGISLATIVE BILL 741.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson
NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 3, 2020 1:30 p.m.
LB1168
LB1186
LB1089

(Signed) Mike Groene, Chairperson
Agriculture
Room 1524

Tuesday, February 4, 2020 1:30 p.m.
Bradley D. Lubben - Beginning Farmer Board
LB1152
LB1219
LB919

Room 1003

Tuesday, February 11, 2020 1:30 p.m.
Britt D. Anderson - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board
LB1159
LB1040

(Signed) Steve Halloran, Chairperson
Transportation and Telecommunications
Room 1113

Tuesday, February 4, 2020 1:30 p.m.
LB1067
LB746

Monday, February 10, 2020 1:30 p.m.
LB1088
LB843
LB903
LB921
LB942
LB1139

Tuesday, February 11, 2020 1:30 p.m.
LB787
LB1046
AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB126:

1. Strike amendment 1 and insert the following new amendment:
2. On page 4, line 11, strike "upto" and insert "up to";
3. And insert "during the five days of Saturday through Wednesday"
4. Immediately preceding the opening day of", strike beginning with "(d) in
5. Line 14 through "permit" in line 18; in line 18 after the period insert
6. "No more than four free permits may be issued per qualified landowner to
7. The landowner or designated members of his or her immediate family, and
8. For a Nebraska resident, the number of free permits issued shall not
9. Exceed the total acreage of the farm or ranch divided by three hundred twenty.
10. Strike lines 23 through 30; and in line 31 strike "(c)" and insert "(b)",
11. And strike "shall" and insert "may".

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB310.
Senator Wayne name added to LB518.
Senator Quick name added to LB518.
Senator La Grone name added to LB744.
Senator Vargas name added to LB933.
Senator Vargas name added to LB968.
Senator Murman name added to LB1136.
Senator Lindstrom name added to LB1162.
Senator McCollister name added to LB1177.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Professional Firefighters Association; members from ABATE of Nebraska from across the state; and Temi Onayemi.

The Doctor of the Day was Dr. Lynette Kramer from Albion.
ADJOURNMENT

At 11:41 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTEENTH DAY - JANUARY 28, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 2020

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Reaching the Unreached, 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 Geist, La Grone, Morfeld, Pansing Brooks, Slama, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Tuesday, February 4, 2020 1:30 p.m.
LB1066
LB1083
LB1166
LB1131

(Signed) Mike Groene, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 305. Introduced by Kolterman, 24.

WHEREAS, McCool Junction Public Schools received a 2019 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, McCool Junction Public Schools demonstrates high educational standards and provides all students the opportunity to learn through the arts; and
WHEREAS, McCool Junction Public Schools provides numerous opportunities for students to improve their craft and share their talents and hard work with 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, SECOND SESSION:

1. That the Legislature congratulates McCool Junction Public Schools for receiving a 2019 NebraskARTS award.
2. That a copy of this resolution be sent to McCool Junction Public Schools.

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 415:
Division of Public Health - Department of Health and Human Services
   Gary J. Anthone - Director

Voting in the affirmative, 35:
Arch     Cavanaugh     Gragert     Hunt     Murman
Blood    Chambers     Halloran    Kolowski    Quick
Bolz     Clements     Hansen, B.    Kolterman    Scheer
Bostelman Crawford    Hilgers     Linehan     Stinner
Brandt   DeBoer      Hilkemann   Lowe       Walz
Briese   Friesen     Hughes      Moser      Williams

Voting in the negative, 0.

Present and not voting, 7:
Excused and not voting, 7:

Geist    Morfeld    Slama    Wishart
La Grone  Pansing Brooks  Vargas

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 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 416:

   Nebraska Tourism Commission
   Robert Phillip Sabin

Voting in the affirmative, 39:

Albrecht  Cavanaugh  Gragert  Hunt  Murman
Arch      Chambers  Groene  Kolowski  Quick
Blood     Clements  Halloran  Kolterman  Scheer
Bolz      Crawford  Hansen, B.  La Grone  Stinner
Bostelman DeBoer  Hilgers  Linehan  Walz
Brandt    Dorn      Hilkemann  Lowe  Wayne
Brewer    Erdman  Howard  McDonnell  Williams
Briese    Friesen  Hughes  Moser

Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.  Lathrop  Lindstrom  McCollister

Excused and not voting, 6:

Geist    Pansing Brooks  Vargas
Morfeld  Slama    Wishart

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 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 416:

   State Emergency Response Commission
   Rod Buethe
   Polly Ann Jordening
   Kyle Keeling
Tonya Ngotel  
Kimberly K. Plouzek

Voting in the affirmative, 36:

- Albrecht
- Chambers
- Cavanaugh
- Gragert
- Kolowski
- Quick
- Arch
- Chambers
- Halloran
- Kolterman
- Scheer
- Blood
- Clements
- Hansen, B.
- La Grone
- Wayne
- Bolz
- Crawford
- Hilgers
- Linehan
- Williams
- Bostelman
- DeBoer
- Hilkemann
- Lowe
- Brandt
- Dorn
- Howard
- McDonnell
- Brewer
- Erdman
- Hughes
- Moser
- Briese
- Friesen
- Hunt
- Murman

Voting in the negative, 0.

Present and not voting, 7:

- Groene
- Lathrop
- McCollister
- Walz
- Hansen, M.
- Lindstrom
- Stinner

Excused and not voting, 6:

- Geist
- Pansing
- Brooks
- Vargas
- Morfeld
- Slama
- Wishart

The appointments were confirmed with 36 ayes, 0 nays, 7 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 437:

Environmental Quality Council

James W. Hawks

Voting in the affirmative, 36:

- Albrecht
- Chambers
- Halloran
- Kolterman
- Quick
- Arch
- Clements
- Hansen, B.
- La Grone
- Scheer
- Blood
- Crawford
- Hilgers
- Lowe
- Wayne
- Bolz
- DeBoer
- Hilkemann
- McCollister
- Williams
- Brandt
- Dorn
- Howard
- McDonnell
- Brewer
- Erdman
- Hughes
- Morfeld
- Briese
- Friesen
- Hunt
- Moser
- Cavanaugh
- Gragert
- Kolowski
- Murman

Voting in the negative, 0.

Present and not voting, 8:
Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 437:
  Nebraska Environmental Trust Board
    Jeff T. Kanger

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Voting in the affirmative, 36:

Albrecht  Cavanaugh  Halloran  La Grone  Quick
Arch      Chambers  Hilgers  Linehan  Scheer
Blood     Clements  Hilkemann  Lowe  Wayne
Bolz      Crawford  Howard  McCollister  Williams
Bostelman Dorn    Hughes  McDonnell
Brandt    Erdman   Hunt    Morfeld
Brewer    Friesen  Kolowski  Moser
Briese    Gragert  Kolterman  Murman

Voting in the negative, 0.

Present and not voting, 8:

DeBoer  Hansen, B.  Lathrop  Stinner
Groene Hansen, M.  Lindstrom  Walz

Excused and not voting, 5:

Geist    Pansing  Brooks  Slama  Vargas  Wishart

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**MOTION(S) - Rerefer LB1046**

Senator Wayne offered his motion, MO129, found on page 439, to rerefer LB1046 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.
Senator Wayne requested a roll call vote, in reverse order, on the motion to rerefer the bill.

Voting in the affirmative, 17:

Blood       Crawford       Kolowski       Pansing Brooks       Wishart
Bolz        Hansen, M.    Lathrop        Vargas
Cavanaugh    Howard         McDonnell      Walz
Chambers     Hunt           Morfeld        Wayne

Voting in the negative, 31:

Albrecht     DeBoer         Halloran       Lindstrom       Slama
Arch         Dorn           Hansen, B.     Linehan         Stinner
Bostelman    Erdman         Hilgers        Lowe            Williams
Brandt       Friesen        Hilkemann      McCollister     
Brewer       Geist          Hughes         Moser
Briese       Gragert        Kolterman      Murman
Clements     Groene         La Grone       Scheer

Present and not voting, 1:

Quick

The Wayne motion to rerefer the bill failed with 17 ayes, 31 nays, and 1 present and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**
Banking, Commerce and Insurance

**LEGISLATIVE BILL 775.** Placed on General File.
**LEGISLATIVE BILL 902.** Placed on General File.

(Signed) Matt Williams, Chairperson

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

Senator Stinner filed the following motion to LB1092:

**MO133**
Withdraw bill.
THIRTEENTH DAY - JANUARY 28, 2020

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003

Tuesday, February 4, 2020 1:30 p.m.
LB1099
LB910
LB1198
Agency 9 - Secretary of State
Agency 12 - State Treasurer
Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 87 - Accountability and Disclosure Commission

Wednesday, February 5, 2020 1:30 p.m.
LB916
LB995
LB1017
LB1096
LB1097
Agency 5 - Supreme Court
Agency 46 - Correctional Services, Department of
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice

Thursday, February 6, 2020 1:30 p.m.
LB826
LB894
LB979
LB1079

(Signed)  John Stinner, Chairperson
Executive Board
Room 1507

Tuesday, February 4, 2020 12:00 p.m.
LB1144
LR298

(Signed)  Mike Hilgers, Chairperson
Judiciary
Room 1113

Wednesday, February 5, 2020 1:30 p.m.
LB1027
LB1028
Thursday, February 6, 2020 1:30 p.m.
LB1041
LB1095
LB1112
LB1148
LB1169
LB1194

Wednesday, February 12, 2020 1:30 p.m.
LB786
LB978
LB1082
LB1171
LB1180
LB1208

Thursday, February 13, 2020 1:30 p.m.
LB959
LB985
LB1117
LB1181
LB1209
LR281CA

Wednesday, February 19, 2020 1:30 p.m.
LB907
LB1004
LB1062
LB1081
LB1133

Thursday, February 20, 2020 1:30 p.m.
LB766
LB814
LB991
LB1048
LB1210

Thursday, February 27, 2020 1:30 p.m.
LB750
LB1091
LB1094
LB1115
GENERAL FILE

LEGISLATIVE BILL 347. Title read. Considered.

SENATOR HUGHES PRESIDING

SENATOR HILGERS PRESIDING

Senator Murman offered the following amendment:

1. Insert the following new sections:
2 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
3 as the Reflexologist Registration Act.
4 Sec. 3. The purpose of the Reflexologist Registration Act is to
5 ensure the health, safety, and welfare of the public by providing for the
6 accurate, cost-effective, efficient, and safe utilization of registered
reflexologists in the administration of reflexology.
For purposes of the Reflexologist Registration Act, the practice of reflexology means the application of pressure to specific points on the feet, hands, and outer ears. No person shall engage in the practice of reflexology for remuneration unless such person is listed on the reflexologist registry created under section 6 of this act.

Sec. 4. For purposes of the Reflexologist Registration Act, the practice of reflexology means the application of pressure to specific points on the feet, hands, and outer ears.

Sec. 5. No person shall engage in the practice of reflexology for remuneration unless such person is listed on the reflexologist registry created under section 6 of this act.

Sec. 6. (1) The reflexologist registry is created. The Department of Health and Human Services shall list each reflexologist's registration on the reflexologist registry.

(2) A listing in the registry shall be valid for the term of the registration and upon renewal unless such listing is refused renewal or is removed.

Sec. 7. To register as a reflexologist, an individual shall file an application with the Department of Health and Human Services and pay the applicable fee determined by the department.

Senator Chambers offered the following motion:
MO135 Bracket until April 22, 2020.

Pending.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1046:
MO134 Rerefer bill to the Revenue Committee, pursuant to Rule 6, Section 2(a).

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Wednesday, February 19, 2020 1:30 p.m.
Anne C. Boatright - Crime Victim's Reparations Committee
Mark T. Langan - Board of Parole

(Signed) Steve Lathrop, Chairperson
Banking, Commerce and Insurance
Room 1507

Monday, February 10, 2020 1:30 p.m.
LB808
LB954
LB988

Tuesday, February 11, 2020 1:30 p.m.
LB997
LB767
LB1199
WHEREAS, the federal Education for All Handicapped Children Act of 1975 (the 1975 Act) was enacted to address the failure of states to meet the educational needs of children with disabilities. In 1990, the act was amended and renamed the Individuals with Disabilities Education Act (IDEA). This law remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, the purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, the 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, since 1975, including in the most recent amendments to the IDEA, Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and

WHEREAS, the federal government has never paid the promised 40 percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs; and

WHEREAS, the Nebraska student population requiring special education and related services continues to grow each year; and
WHEREAS, school, disability, and parent groups have been trying for years to bring IDEA appropriations up to the full funding of 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. These efforts have yet to succeed; and
WHEREAS, in 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level; and
WHEREAS, because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, tax increases, or both; and
WHEREAS, a bill stands on the floor of the United States House of Representatives, H.R. 1878, known as the IDEA Full Funding Act, that aims to reach the 40 percent full funding level by the fiscal year 2028 through incremental increases in the federal share of funding each fiscal year.

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

1. That the Legislature respectfully urges Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and to the United States Secretary of Education.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR306 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB518.
Senator Briese name added to LB518.
Senator Crawford name added to LB748.
Senator Williams name added to LB825.
Senator Walz name added to LB825.
Senator McCollister name added to LB1181.
Senator McCollister name added to LB1191.
Senator Briese name added to LB1201.
VISITOR(S)

Visitors to the Chamber were members of the Nebraska Cattlemen YCC Class of 2019 from across the state; and students from UNL.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTEENTH DAY - JANUARY 29, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 2020

PRAYER

The prayer was offered by Dr. Phani Tej Adidam, Hindu Temple, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hilgers presiding.

The roll was called and all members were present except Senator Geist who was excused; and Senators M. Hansen, Hilkemann, Morfeld, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

MOTION(S) - Withdraw LB1092

Senator Stinner offered his motion, MO133, found on page 450, to withdraw LB1092.

The Stinner motion to withdraw the bill prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 287. Placed on Select File with amendment. ER156 is available in the Bill Room.

LEGISLATIVE BILL 880. Placed on Select File.
LEGISLATIVE BILL 310. Placed on Select File with amendment.

ER155

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
3. Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is
4. amended to read:
5. 77-2906 (1) (a) (1) Within twelve months after the date on which
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
28. determine the amount of eligible expenditures, calculate the amount of
29. the credit, and issue a certificate evidencing the credit.
30. (b) The department shall determine the amount of eligible
31. expenditures, calculate the amount of the credit, and issue one or more
32. certificates evidencing the credit within sixty days after referral of
33. the application to the department by the officer or the filing of a
34. petition pursuant to subdivision (1) (a) of this section. If the person
35. filing the request for final approval and the department may also agree
36. to extend the sixty-day period, but such extension shall not exceed an
37. additional thirty days. If the department does not determine the amount
38. of eligible expenditures, calculate the amount of the credit, and issue
39. one or more certificates evidencing the credit within such sixty-day
40. period or agreed-upon longer period, the credit shall be deemed to have
41. been issued by the department for the amount requested in such person's
42. request for final approval, except that such amount shall not exceed one
43. hundred ten percent of the amount of credits allocated by the officer
44. under section 77-2905 and such amount shall not increase or decrease the
45. total amount of credits that may be allocated by the officer under
46. section 77-2905 in any calendar year.
47. (2) Any denial of a request for final approval by the officer or any
48. determination of the amount of eligible expenditures or calculation of
49. the amount of the credit by the department pursuant to this section may
50. be appealed, and the appeal shall be in accordance with the
51. Administrative Procedure Act.
52. (2) The department shall divide the credit and issue multiple
53. certificates to a person who qualifies for the credit upon reasonable
54. request.
55. (3) In calculating the amount of the credits to be issued pursuant
56. to this section, the department may issue credits in an amount that
57. differs from the amount of credits allocated by the officer under section
58. 77-2905 if such credits are supported by eligible expenditures as
59. determined by the department, except that the department shall not issue
60. 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 six-tenths of one percent of the credit amount.
20 The department shall remit such fees to the State Treasurer for credit to
21 the Department of Revenue Enforcement Fund.
22 (5) If the recipient of the credit is (a) a corporation having an
23 election in effect under subchapter S of the Internal Revenue Code of
24 1986, as amended, (b) a partnership, or (c) a limited liability company,
25 the credit may be claimed by the shareholders of the corporation, the
26 partners of the partnership, or the members of the limited liability
27 company in the same manner as those shareholders, partners, or members
28 account for their proportionate shares of the income or losses of the
29 corporation, partnership, or limited liability company, or as provided in
30 the bylaws or other executed agreement of the corporation, partnership,
31 or limited liability company. Credits granted to a partnership, a limited
32 liability company taxed as a partnership, or other multiple owners of
33 property shall be passed through to the partners, members, or owners,
34 respectively, on a pro rata basis or pursuant to an executed agreement
35 among the partners, members, or owners documenting any alternate
36 distribution method.
37 (6) Subject to section 77-2912, any credit amount that is unused may
38 be carried forward to subsequent tax years until fully utilized.
39 (7) Credits allowed under this section may be claimed for taxable
40 years beginning or deemed to begin on or after January 1, 2015, under the
41 Internal Revenue Code of 1986, as amended.
42 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
43 amended to read:
44 77-5601 (1) From August 1, 2004, through October 31, 2004, there
45 shall be conducted a tax amnesty program with regard to taxes due and
46 owing that have not been reported to the Department of Revenue. Any
47 person applying for tax amnesty shall pay all unreported taxes that were
48 due on or before April 1, 2004. Any person that applies for tax amnesty
49 and is accepted by the Tax Commissioner shall have any penalties and
50 interest waived on unreported and delinquent taxes notwithstanding any
51 other provisions of law to the contrary.
52 (2) To be eligible for the tax amnesty provided by this section, the
53 person shall apply for amnesty within the amnesty period, file a return
54 for each taxable period for which the amnesty is requested by December
55 31, 2004, if no return has been filed, and pay in full all taxes for
56 which amnesty is sought with the return or within thirty days after the
57 application if a return was filed prior to the amnesty period. Tax
58 amnesty shall not be available for any person that is under civil or
59 criminal audit, investigation, or prosecution for unreported or
60 delinquent taxes by this state or the United States Government on or
62 (3) The department shall not seek civil or criminal prosecution
63 against any person for any taxable period for which amnesty has been
64 granted. The Tax Commissioner shall develop forms for applying for the
3 tax amnesty program, develop procedures for qualification for tax
4 amnesty, and conduct a public awareness campaign publicizing the program.
5 (4) If a person elects to participate in the amnesty program, the
6 election shall constitute an express and irrevocable relinquishment of
7 all administrative and judicial rights to challenge the imposition of the
8 tax or its amount. Nothing in this section shall prohibit the department
9 from adjusting a return as a result of any state or federal audit.
10 (5)(a) Except for any local option sales tax collected and returned
11 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
12 and compressed fuel taxes, which shall be deposited in the Highway Trust
13 Fund or Highway Allocation Fund as provided by law, no less than eighty
14 percent of all revenue received pursuant to the tax amnesty program shall
15 be deposited in the General Fund and ten percent, not to exceed five
16 hundred thousand dollars, shall be deposited in the Department of Revenue
17 Enforcement Fund. Any amount that would otherwise be deposited in the
18 Department of Revenue Enforcement Fund that is in excess of the five-
19 hundred-thousand-dollar limitation shall be deposited in the General
20 Fund.
21 (b) For fiscal year 2005-06, all proceeds in the Department of
22 Revenue Enforcement Fund shall be appropriated to the department for
23 purposes of employing investigators, agents, and auditors and otherwise
24 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.
25 (c) For fiscal years after fiscal year 2005-06, twenty percent of
26 all proceeds received during the previous calendar year due to the
27 efforts of auditors and investigators hired pursuant to subdivision (5)
28 (b) of this section, not to exceed seven hundred fifty thousand dollars,
29 shall be deposited in the Department of Revenue Enforcement Fund for
30 purposes of employing investigators and auditors or continuing such
31 employment for purposes of increasing enforcement of the act.
1 (d) Ten percent of all proceeds received during each calendar year
2 due to the contracts entered into pursuant to section 77-367 shall be
3 deposited in the Department of Revenue Enforcement Fund for purposes of
4 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
5 improper or fraudulent payments.
6 (6)(a) The department shall prepare a report by April 1, 2005, and
7 by February 1 of each year thereafter detailing the results of the tax
8 amnesty program and the subsequent enforcement efforts. For the report
9 due April 1, 2005, the report shall include (i) the amount of revenue
10 obtained as a result of the tax amnesty program broken down by tax
11 program, (ii) the amount obtained from instate taxpayers and from out-of-
12 state taxpayers, and (ii) the amount obtained from individual taxpayers
13 and from business enterprises.
14 (b) For reports due in subsequent years, the report shall include
15 (i) the number of personnel hired for purposes of subdivision (5)(b) of
16 this section and their duties, (ii) a description of lists, software,
17 programming, computer equipment, and other technological methods acquired
18 and the purposes of each, and (iii) the amount of new revenue obtained as
19 a result of the new personnel and acquisitions during the prior calendar
20 year, broken down into the same categories as described in subdivision
21 (6)(a) of this section.
22 (7) The Department of Revenue Enforcement Fund is created. Transfers
23 may be made from the Department of Revenue Enforcement Fund to the
24 General Fund at the direction of the Legislature. The Department of
25 Revenue Enforcement Fund may receive transfers from the Civic and
26 Community Center Financing Fund at the direction of the Legislature for
27 the purpose of administering the Sports Arena Facility Financing
28 Assistance Act. The Department of Revenue Enforcement Fund shall include
29 any money credited to the fund (a) under section 77-2703, and such money
30 shall be used by the Department of Revenue to defray the costs incurred
31 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
1 Device Tax Act, and such money shall be used by the department to defray
2 the costs incurred to implement and enforce Laws 2019, LB538, and any
3 rules and regulations adopted and promulgated to carry out Laws 2019.
4 LB538, and (c) under section 77:2906, and such money shall be used by the
5 Department of Revenue to defray the costs incurred to implement this
6 legislative bill. Any money in the Department of Revenue Enforcement Fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.
10 (8) For purposes of this section, taxes mean any taxes collected by
11 the department, including, but not limited to state and local sales and
12 use taxes, individual and corporate income taxes, financial institutions
13 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
14 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.
15 Sec. 3. Original section 77:2906, Reissue Revised Statutes of
16 Nebraska, and section 77:5601, Revised Statutes Supplement, 2019, are
17 repealed.
18 2. On page 1, strike beginning with “the” in line 1 through
19 “section” in line 5 and insert “revenue and taxation, to amend section
20 77:2906, Reissue Revised Statutes of Nebraska, and section 77:5601,
21 Revised Statutes Supplement, 2019; to provide deadlines for the
22 determination of tax credits, change provisions relating to appeals, and
23 provide a fee under the Nebraska Job Creation and Mainstreet
24 Revitalization Act; to authorize the use of certain fees for revenue
25 enforcement; to harmonize provisions; and to repeal the original
26 sections”.

LEGISLATIVE BILL 310A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB1072:
AM2171
1 1. Insert the following new section:
2 Sec. 3. Section 46:1,153, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 46:1,153 The board of directors of any irrigation district in this
5 state sustaining contractual relations with the United States shall have
6 the power to borrow funds for the purpose of making any necessary
7 payments thereon and to pledge the credit of the district for the payment
8 of the same. The board of directors of any irrigation district in this
9 state shall have the power to borrow funds to meet the necessities of any
10 unforeseen or unusual conditions arising in the operation and maintenance
11 of the irrigation system of such district and to pledge the credit of
12 such district for the payment thereof. The total sum borrowed by any
13 district under the provisions of this section shall at no time exceed
14 two-thirds the amount of the general fund levy of such district for the
15 preceding year. If the levy for the then current year shall be
16 insufficient to provide for the payment of the sum or sums so borrowed,
17 then such payment shall be provided for in the levy for the year next
18 ensuing.
19 2. Renumber the remaining section and correct the repealer
20 accordingly.
MOTION(S) - Print in Journal

Senator Lathrop filed the following motion to LB787:

MO136
Withdraw bill.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 797. Placed on General File.
LEGISLATIVE BILL 809. Placed on General File.
LEGISLATIVE BILL 957. Placed on General File.

LEGISLATIVE BILL 824. Placed on General File with amendment.
AM2133
1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

(Signed) Justin Wayne, 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
appointment(s) be confirmed by the Legislature and suggests a record vote.

Kelli M. Ackerman - Public Employees Retirement Board
Michael D. Jahnke - Public Employees Retirement Board
Allen Simpson - Public Employees Retirement Board

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
appointment(s) be confirmed by the Legislature and suggests a record vote.

John M. Dinkel - Nebraska Investment Council

Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 5, 2020 1:30 p.m.
LB1189
LB806
LB819
LB891

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 347. Senator Chambers withdrew his motion, MO135, found on page 454, to bracket until April 22, 2020.

Senator Murman renewed his amendment, AM2146, found on page 453.

Senator Chambers offered the following motion:
MO138
Bracket until April 22, 2020.

SPEAKER SCHEER PRESIDING

SENATOR DEBOER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

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

Voting in the affirmative, 1:

Hunt

Voting in the negative, 40:

Albrecht  Clements  Hansen, B.  Lathrop  Murman
Arch  Crawford  Hansen, M.  Lindstrom  Pansing Brooks
Blood  DeBoer  Hilgers  Linehan  Quick
Bolz  Dorn  Hilkemann  Lowe  Scheer
Bostelman  Erdman  Howard  McCollister  Slama
Brandt  Friesen  Hughes  McDonnell  Vargas
Brewer  Gragert  Koltman  Morfeld  Walz
Briese  Halloran  La Grone  Moser  Williams

Present and not voting, 3:
Senator Chambers offered the following motion:

**MO139**

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 2:

Chambers  Hunt

Voting in the negative, 39:

Albrecht  Clements  Halloran  Lathrop  Murman
Arch  Crawford  Hansen, B.  Lindstrom  Pansing Brooks
Blood  DeBoer  Hansen, M.  Linehan  Quick
Bolz  Dorn  Hilgers  Lowe  Slama
Bostelman  Erdman  Hilkemann  McCollister  Vargas
Brandt  Friesen  Howard  McDonnell  Walz
Brewer  Gragert  Hughes  Morfeld  Williams
Briese  Groene  La Grone  Moser

Present and not voting, 2:

Cavanaugh  Kolowski

Excused and not voting, 6:

Geist  Scheer  Wayne
Kolterman  Stinner  Wishart

The Chambers motion to reconsider failed with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:

**MO140**
Recommit to the Health and Human Services Committee.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**
Health and Human Services
Room 1510

Wednesday, February 5, 2020 1:00 p.m.
Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board
David J. Hansen - Nebraska Child Abuse Prevention Fund Board
LB1140
LB1141
LB1142
LB1143
LB1145

(Signed) Sara Howard, Chairperson
Natural Resources
Room 1525

Wednesday, February 5, 2020 1:30 p.m.
Sherry Vinton - Nebraska Environmental Trust Board
LB1201
LR288
LB1072
AM2171 to LB1072

Thursday, February 6, 2020 1:30 p.m.
Douglas Anderson - Environmental Quality Council
LB859
LB860

(Signed) Dan Hughes, Chairperson
General Affairs
Room 1510

Monday, February 10, 2020 1:30 p.m.
LB1090
LB1163
LB971
LB990
LR295CA
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.

Cameron J. Arch - Nebraska Commission on Problem Gambling

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.

Claudia Louise Barthold - Nebraska Commission on Problem Gambling
Mark R. Canada - Nebraska Commission on Problem Gambling

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB344:
AM2039 is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB347:
MO137
Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Committee AM950, found on page 1024, First Session, 2019, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator La Grone name added to LB853.
Senator Stinner name added to LB962.
Senator Cavanaugh name added to LB962.
Senator Howard name added to LB962.

VISITOR(S)

Visitors to the Chamber were Grace Schleining from Malcolm High School; and members from the Scottsbluff/Gering United Chamber, Leadership Scotts Bluff Class XXXI, and Heartland Expressway Association.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 11:39 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTEENTH DAY - JANUARY 30, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 2020

PRAYER

The prayer was offered by Pastor Todd Thelen, Concord Evangelical Free 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 Albrecht, Cavanaugh, M. Hansen, Lindstrom, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Thursday, February 6, 2020 1:00 p.m.
Jillian Chance - Nebraska Child Abuse Prevention Fund Board
LB1188
LB1150
LB1147
LB1149
LB1172

(Signed) Sara Howard, Chairperson
LEGISLATIVE BILL 518. Placed on Select File with amendment.

ER157
1. In the Standing Committee amendments, AM899:
2. a. On page 2, line 1, after the comma insert "the"; in line 2 after 
3. "and" insert "the"; and in line 21 strike "includes" and insert "include"
4. and strike "is" and insert "are";
5. b. On page 3, lines 1 and 25; page 6, lines 14, 19, and 28; and page 
6. 9, line 7, strike "this" and insert "such";
7. c. On page 3, line 13, strike "on" and insert "regarding";
8. d. On page 5, line 12, strike "2019" and insert "2020";
9. e. On page 6, line 2, after "annually" insert "on or before December 
10. 1st"; in line 3 strike "by December 1"; and in line 30 after "determine" 
11. insert "the";
12. f. On page 7, lines 4 and 5, strike "for this purpose"; and in lines 
13. 22 and 25 and 26, strike "re-traumatization" and insert 
14. "retraumatization";
15. g. On page 9, line 22, strike "and" and insert "or"; and in line 31, 
16. after "victim-centered" insert "and"; and
17. h. On page 10, lines 1 and 4, strike "prosecution" and insert 
18. "prosecutions"; in line 8, strike "funds" and insert "money"; and in line 
19. 10 strike "Funds", show as stricken, and insert "Money";
20. 2. On page 1, strike beginning with "create" in line 3 through 
21. "appropriations" in line 4 and insert "change provisions relating to the 
22. Human Trafficking Victim Assistance Fund".

LEGISLATIVE BILL 541. Placed on Select File with amendment.

ER158
1. On page 1, line 3, after the semicolon insert "to provide powers 
2. and duties for the Department of Health and Human Services; to authorize 
3. the providing of bone marrow registry information to patients by 
4. physicians as prescribed;".

(Signed) Julie Slama, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR306 Education

(Signed) Mike Hilgers, Chairperson
Executive Board

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator M. Hansen 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 Quick filed the following amendment to LB287:

AM2162  
(Amendments to E&R amendments, ER156)
1. On page 9, lines 28 and 29, strike "not less than thirty dollars" and show as stricken.
2. On page 15, line 10, strike "entering the draw" and insert "applying"; and in line 11 strike "for the random drawing".
3. On page 16, line 1, after "for" insert "the display of"; and in line 18 strike ",", as established by the commission pursuant to section 37-327" and show as stricken.

Senator Groene filed the following amendment to LB148:

AM2176  
(Amendments to E and R amendments, ER147)
1. On page 5, lines 10 and 16, strike "in a digital advertisement".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR299 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR299.

MOTION(S) - Withdraw LB787

Senator Lathrop offered his motion, MO136, found on page 464, to withdraw LB787.

The Lathrop motion to withdraw the bill prevailed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Committee AM1134, found on page 1082, First Session, 2019, was adopted with 37 ayes, 0 nays, 5 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.

LEGISLATIVE BILL 126. Title read. Considered.

Committee AM757, found on page 1086, First Session, 2019, was offered.
Senator Hughes offered his amendment, AM2150, found on page 442, to the committee amendment.

The Hughes amendment was adopted with 38 ayes, 1 nay, and 10 present and not voting.

Senator Bostelman offered the following motion:

MO142
Reconsider the adoption of AM2150.

Senator Bostelman asked unanimous consent to withdraw his motion, MO142, to reconsider. No objections. So ordered.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 926. Placed on General File.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1003

Monday, February 10, 2020 1:30 p.m.
LB815
LB1216
LB1160
LB1101
LB1103

Room 1524

Monday, February 24, 2020 1:30 p.m.
LB927
LB928
LB1126
LB1127
LB1128
LB1129

(Signed) Matt Hansen, Chairperson
Revenue
Room 1524

Thursday, February 6, 2020 1:30 p.m.
LB1084
AM2207
Note: Amendment to LB720

(Signed) Lou Ann Linehan, Chairperson

Appropriations
Room 1524

Monday, February 10, 2020 1:30 p.m.
LB827
LB874
LB877
LB1093
LB1215
Agency 25 - Health and Human Services
Note: Operations, Medicaid and Long Term Care, Developmental Disabilities

Tuesday, February 11, 2020 1:30 p.m.
LB779
LB897
LB1100
LB1146
LB1161
Agency 25 - Health and Human Services
Note: Public Health, Children and Family Services, Behavioral Health Facilities

Room 1003

Wednesday, February 12, 2020 1:30 p.m.
LB773
LB1026
LB1050
LB1069
LB1098
Agency 72 - Economic Development, Department of
Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson
LEGISLATIVE JOURNAL

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB720:
AM2207 is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Brewer filed the following motion to LR284CA:
MO141 Withdraw resolution.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB381:
AM2209 (Amendments to E & R amendments, ER149)
1 1. On page 101, line 22, after "50-415" insert "or Supreme Court
2 rule".

ANNOUNCEMENT(S)

Priority designation(s) received:

Executive Board - LR279CA

RESOLUTION(S)

LEGISLATIVE RESOLUTION 307. Introduced by McCollister, 20; Arch, 14; Blood, 3; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hilgers, 21; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Lathrop, 12; Linehan, 39; McDonnell, 5; Pansing Brooks, 28; Vargas, 7; Williams, 36.

WHEREAS, Omaha firefighter Drew Gerken and his wife Crystal, a teacher, created and run The Furniture Project, where Drew and fellow firefighters collect and deliver donated furniture for families in need; and
WHEREAS, Drew Gerken was recently the focus of an episode of the Facebook Watch show, Returning the Favor, hosted by Mike Rowe; and
WHEREAS, Returning the Favor follows host, Mike Rowe, as he travels across the United States in search of people who give back to their community and provides such people with something to assist with their community service work; and
WHEREAS, as part of the show, The Furniture Project received 100 bunk beds from the Omaha chapter of Sleep in Heavenly Peace, four years of use of a storage unit from the StorageMart, and a new cargo truck from Returning the Favor; and
WHEREAS, the Gerkens are in the business of serving their community by teaching children, fighting fires, and operating The Furniture Project.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Drew Gerken for being recognized for his service to the Omaha community.

2. That a copy of this resolution be sent to Crystal and Drew Gerken.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

Committee AM1182, found on page 1105, First Session, 2019, 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 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 643. 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.

LEGISLATIVE BILL 387. Title read. Considered.

Committee AM404, found on page 1170, First Session, 2019, 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.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 785. Placed on General File.

LEGISLATIVE BILL 831. Placed on General File.

LEGISLATIVE BILL 768. Placed on General File with amendment.

AM2101

1. Insert the following new section:

2 Sec. 31. Section 75-369.03, Reissue Revised Statutes of Nebraska, is amended to read:

4 75-369.03 (1) The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against a motor carrier transporting persons or property in interstate commerce for a violation of sections 75-392 to 75-399 or against a motor carrier transporting persons or property in intrastate commerce for a violation or violations of section 75-363 or 75-364 based upon an inspection
10 conducted pursuant to section 75-366 in an amount which shall not exceed
11 eight hundred dollars for any single violation in any proceeding or
12 series of related proceedings against any person or motor carrier as
13 defined in 49 C.F.R. 390.5 as adopted in section 75-363.
14 (2) The superintendent shall issue an order imposing a civil penalty
15 in an amount not to exceed sixteen thousand four hundred fifty-three
16 fifteen thousand seven hundred twenty-seven dollars against a motor
17 carrier transporting persons or property in interstate commerce for a
18 violation of subdivision (2)(c) of section 60-4,162 based upon a
19 conviction of such a violation.
20 (3) The superintendent shall issue an order imposing a civil penalty
21 against a driver operating a commercial motor vehicle, as defined in
22 section 60-465, that requires a commercial driver's license or CLP-
23 commercial learner's permit, in violation of an out-of-service order. The
24 civil penalty shall be in an amount not less than three thousand one
25 hundred seventy-four dollars for a first violation and not
26 less than six thousand three hundred forty-eight dollars for a
27 second or subsequent violation.
1 (4) The superintendent shall issue an order imposing a civil penalty
2 against a motor carrier who knowingly allows, requires, permits, or
3 authorizes the operation of a commercial motor vehicle, as defined in
4 section 60-465, that requires a commercial driver's license or CLP-
5 commercial learner's permit, in violation of an out-of-service order. The
6 civil penalty shall be not less than five thousand seven hundred thirty-
7 two thousand seventy dollars but not more than thirty thousand
8 seven hundred three hundred thirty-seven dollars per violation.
9 (5) Upon the discovery of any violation by a motor carrier
10 transporting persons or property in interstate commerce of section
11 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
12 inspection conducted pursuant to section 75-366, the superintendent shall
13 immediately refer such violation to the appropriate federal agency for
14 disposition, and upon the discovery of any violation by a motor carrier
15 transporting persons or property in intrastate commerce of section 75-307
16 based upon such inspection, the superintendent shall refer such violation
17 to the Public Service Commission for disposition.
18 2. Renumber the remaining sections and correct the repealer
19 accordingly.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB329:
AM2186

(Amendments to Standing Committee amendments, AM1183)
1 1. Strike sections 1 and 2 and insert the following new sections:
2 Section 1. Section 68-1206, Revised Statutes Supplement, 2019, is
3 amended to read:
4 68-1206 (1) The Department of Health and Human Services shall
5 administer the program of social services in this state. The department
6 may contract with other social agencies for the purchase of social
7 services at rates not to exceed those prevailing in the state or the cost
8 at which the department could provide those services. The statutory
9 maximum payments for the separate program of aid to dependent children
10 shall apply only to public assistance grants and shall not apply to
11 payments for social services. As part of the provision of social services
12 authorized by section 68-1202, the department shall participate in the
13 federal child care assistance program under 42 U.S.C. 618, as such
14 section existed on January 1, 2013, and provide child care assistance to
15 families with incomes up to one hundred twenty-five percent of the
16 federal poverty level for FY2013-14 and one hundred thirty percent of the
17 federal poverty level for FY2014-15 and each fiscal year thereafter.
18 (2) As part of the provision of social services authorized by this
19 section and section 68-1202, the department shall participate in the
20 federal Child Care Subsidy program. In determining ongoing eligibility
21 for this program, ten percent of a household's gross earned income shall
22 be disregarded after twelve continuous months on the program and at each
23 subsequent redetermination. In determining ongoing eligibility, if a
24 family's income exceeds one hundred thirty percent of the federal poverty
25 level, the family shall receive transitional child care assistance
26 through the remainder of the family's eligibility period or until the
1 family's income exceeds eighty-five percent of the state median income
2 for a family of the same size as reported by the United States Bureau of
3 the Census, whichever occurs first. When the family's eligibility period
4 ends, the family shall continue to be eligible for transitional child
5 care assistance if the family's income is below two hundred one hundred
6 eighty-five percent of the federal poverty level. The family shall
7 receive transitional child care assistance through the remainder of the
8 transitional eligibility period or until the family's income exceeds
9 eighty-five percent of the state median income for a family of the same
10 size as reported by the United States Bureau of the Census, whichever
11 occurs first. The amount of such child care assistance shall be based on
12 a cost-shared plan between the recipient family and the state and shall
13 be based on a sliding-scale methodology. A recipient family may be
14 required to contribute a percentage of such family's gross income for
15 child care that is no more than the cost-sharing rates in the
16 transitional child care assistance program as of January 1, 2015, for
17 those no longer eligible for cash assistance as provided in section
18 68-1724. Initial program eligibility standards shall not be impacted by
19 the provisions of this subsection.
20 (3) In determining the rate or rates to be paid by the department
21 for child care as defined in section 43-2605, the department shall adopt
22 a fixed-rate schedule for the state or a fixed-rate schedule for an area
23 of the state applicable to each child care program category of provider
24 as defined in section 71-1910 which may claim reimbursement for services
25 provided by the federal Child Care Subsidy program, except that the
26 department shall not pay a rate higher than that charged by an individual
27 provider to that provider's private clients. The schedule may provide
28 separate rates for care for infants, for children with special needs,
29 including disabilities or technological dependence, or for other
30 individual categories of children. The schedule may also provide tiered
31 rates based upon a quality scale rating of step three or higher under the
1 Step Up to Quality Child Care Act. The schedule shall be effective on
2 October 1 of every year and shall be revised annually by the department.
3 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
4 2019, is repealed.

Senator Kolterman filed the following amendment to LB205A:

AM2166

1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated (1) $29,293 from the
3 Professional and Occupational Credentialing Cash Fund for FY2020-21 and
4 $29,293 from the Professional and Occupational Credentialing Cash
5 Fund for FY2021-22 to the Department of Health and Human Services, for
6 Program 178, to aid in carrying out the provisions of Legislative Bill
7 205. One Hundred Sixth Legislature, Second Session, 2020;
8 Total expenditures for permanent and temporary salaries and per
9 diem from funds appropriated in this section shall not exceed $16,493
10 for FY2020-21 or $16,493 for FY2021-22.
Senator Kolterman filed the following amendment to LB607A:

AM2165

1. Strike original section 1 and insert the following new section:

Section 1. There is hereby appropriated $24,286 from the Professional and Occupational Credentialing Cash Fund for FY2020-21 to the Department of Health and Human Services, for Program 178, to aid in carrying out the provisions of Legislative Bill 607, One Hundred Sixth Legislature, Second Session, 2020.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $13,674 for FY2020-21.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB640.
Senator Walz name added to LB640.
Senator Morfeld name added to LB640.
Senator Hilkemann name added to LB640.
Senator Bolz name added to LB748.
Senator McCollister name added to LB805.
Senator Hunt name added to LB1020.
Senator Bolz name added to LB1147.

WITHDRAW - Cointroducer(s)

Senator Bolz name withdrawn from LB1148.

VISITOR(S)

Visitors to the Chamber were Leah Barrett and Dr. Tracy Kruse from Northeast Community College; and students Charlee Sharack, Mollie Petersen, and Jessica Schiefelbein from Elkhorn High School.

The Doctor of the Day was Dr. Steven M. Williams from Omaha.

ADJOURNMENT

At 11:37 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTEENTH DAY - JANUARY 31, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 31, 2020

PRAYER

The prayer was offered by Pastor Mark Smith, Royal Assembly of God 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 Briese who was excused; and Senators Lowe and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 835. Placed on General File with amendment. AM2185 is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 30, 2020, 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.  
  Center for People in Need  
Baumfalk, Benjamin  
  First Five Nebraska  
Camino, Marie  
  Mercy For Animals, Inc.  
Carroll-Shern, Linda  
  Pharmaceutical Research and Manufacturers of America  
Kelley Governmental Relations, LLC  
  Jensen Rogert Associates, Inc.  
Mueller Robak  
  Jensen Rogert Associates, Inc.  
O'Hara Lindsay & Associates, Inc.  
  Millard United Sports  
  Motorola Solutions, Inc.  
Pellett, Stacey  
  Deere & Company  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
  Emerick Wind LLC  
  Plum Creek Wind LLC  
Ross, Thomas  
  GED Testing Service  
Salesses, Scott  
  GED Testing Service  
Schmeling, Richard  
  ProRail Nebraska, Inc.  
Sims, Jim  
  NioCorp

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](http://legislature.ne.gov).

MOTION(S) - Rerefer LB1046

Senator Wayne offered his motion, [MO134](http://legislature.ne.gov), found on page 454, to rerefer LB1046 to the Revenue Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Senator Wayne requested a roll call vote on the motion to rerefer the bill.

Voting in the affirmative, 12:
The Wayne motion to rerefer the bill failed with 12 ayes, 29 nays, 4 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**

**Business and Labor**

**LEGISLATIVE BILL 604.** Placed on General File with amendment. AM576 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

Executive Board

**LEGISLATIVE RESOLUTION 279CA.** Placed on General File.

(Signed) Mike Hilgers, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 312.** Placed on Select File with amendment.

ER159

1. In the Standing Committee amendments, AM1134, on page 1, line 9.
2. strike "2020" and insert "2021".
3. 2. On page 1, line 4, after the semicolon insert "to provide a duty"
4. for the Department of Health and Human Services and the Health and Human
5. Services Committee of the Legislature;".
LEGISLATIVE BILL 126. Placed on Select File with amendment.

1. Strike the original sections and all amendments thereto and insert the following new sections:
2. Section 1. Section 37-455, Revised Statutes Supplement, 2019, is amended to read:
3. 37-455 (1) The commission may issue a limited permit for deer, antelope, wild turkey, or elk to a person who is a qualifying landowner or leaseholder or a member of such person's immediate family as described in this section. The commission may issue nonresident landowner limited permits after preference has been given for the issuance of resident permits as provided in rules and regulations adopted and promulgated by the commission. Except as provided in subsection (4) of this section, a permit shall be valid during the predetermined period established by the commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of an application in proper form as prescribed by the rules and regulations of the commission, the commission may issue (a) a limited deer, antelope, or wild turkey permit valid for hunting on all of the land which is owned or leased by the qualifying landowner or leaseholder if such lands are identified in the application or (b) a limited elk permit valid for hunting on the entire elk management unit or (c) a permittee that owns or leases eighty acres or more of farm or ranch land for agricultural purposes and among beneficiaries of a trust that owns or leases eighty acres or more of farm or ranch land for agricultural purposes. Only a person who is a qualifying landowner or leaseholder or a member of such person's immediate family may apply for a limited permit. An applicant may apply for no more than one permit per species per year except as otherwise provided in subsection (4) of this section and the rules and regulations of the commission. For purposes of this section, member of a person's immediate family means and is limited to the spouse of such person, any child or stepchild of such person or of the spouse of such person, any spouse of any such child or stepchild, any sibling of such person sharing ownership in the property, and any spouse of any such sibling.
5. (b) The conditions applicable to permits issued pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may pass commission orders for species harvest allocation pertaining to the sex and age of the species harvested which are different for a limited permit than for other hunting permits. For purposes of this section, white-tailed deer and mule deer shall be treated as one species.
6. (3)(a) To qualify for a limited permit to hunt deer or antelope, the applicant shall be a Nebraska resident who (i) owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family or (ii) is the partner, officer, shareholder, or beneficiary designated as the qualifying landowner by a partnership, corporation, or trust as provided in the rules and regulations under subdivision (2)(a) of this section or a member of the...
1 immediate family of the partner, officer, shareholder, or beneficiary.
2 The number of limited permits issued annually per species for each farm
3 or ranch shall not exceed the total acreage of the farm or ranch divided
4 by eighty. The fee for a limited permit to hunt deer or antelope shall be
5 one-half the fee for the regular permit for such species.
6 (b) A nonresident of Nebraska who owns three hundred twenty acres or
7 more of farm or ranch land in the State of Nebraska for agricultural
8 purposes or a member of such person's immediate family may apply for a
9 limited deer or antelope permit. The number of limited permits issued
10 annually per species for each farm or ranch shall not exceed the total
11 acreage of the farm or ranch divided by three hundred twenty. The fee for
12 such a permit to hunt deer or antelope shall be one-half the fee for a
13 nonresident permit to hunt such species.
14 (c) The commission may adopt and promulgate rules and regulations
15 providing for the issuance of an additional limited deer permit to a
16 qualified individual for the taking of a deer without antlers at a fee
17 equal to or less than the fee for the original limited permit.
18 (4)(a) In addition to any limited permit to hunt deer issued to a
19 qualifying landowner under subsection (3) of this section, the commission
20 shall issue up to four free firearm deer hunting permits to hunt deer
21 during the five days of Saturday through Wednesday immediately preceding
22 the opening day of firearm deer hunting season to any landowner and
23 designated members of his or her immediate family. No more than four free
24 permits may be issued per qualified landowner to the landowner or
25 designated members of his or her immediate family, and for a Nebraska
26 resident, the number of free permits issued shall not exceed the total
27 acreage of the farm or ranch divided by eighty, and for a nonresident,
28 the number of free permits issued shall not exceed the total acreage of
29 the farm or ranch divided by three hundred twenty. For purposes of this
30 subsection, the qualifying criteria for a Nebraska resident described in
31 subdivisions (3)(a)(i) and (ii) of this section and the ownership
32 criteria for a nonresident of Nebraska described in subdivision (3)(b) of
33 this section apply.
34 (b) The commission may adopt and promulgate rules and regulations to
35 carry out the purposes of this subsection.
36 (5)(a) (4)(a) To qualify for a limited permit to hunt wild turkey,
37 the applicant shall be a Nebraska resident who (i) owns or leases eighty
38 acres or more of farm or ranch land for agricultural purposes or a member
39 of such person's immediate family or (ii) is the partner, officer,
40 shareholder, or beneficiary designated as the qualifying landowner by a
41 partnership, corporation, or trust as provided in the rules and
42 regulations under subdivision (2)(a) of this section or a member of the
43 immediate family of the partner, officer, shareholder, or beneficiary.
44 The number of limited permits issued annually per season for each farm or
45 ranch shall not exceed the total acreage of the farm or ranch divided by
46 eighty. An applicant may apply for no more than one limited permit per
47 season. The fee for a limited permit to hunt wild turkey shall be one-
48 half the fee for the regular permit to hunt wild turkey.
49 (b) A nonresident of Nebraska who owns three hundred twenty acres or
50 more of farm or ranch land in the State of Nebraska for agricultural
51 purposes or a member of such person's immediate family may apply for a
52 limited permit to hunt wild turkey. Only one limited wild turkey permit
53 per three hundred twenty acres may be issued annually for each wild
54 turkey season under this subdivision. The fee for such a permit to hunt
55 shall be one-half the fee for a nonresident permit to hunt wild turkey.
56 (d) (c) To qualify for a limited permit to hunt elk, (a) the
57 applicant shall be (i) a Nebraska resident who owns three hundred twenty
58 acres or more of farm or ranch land for agricultural purposes, (ii) a
59 Nebraska resident who leases six hundred forty acres or more of farm or
60 ranch land for agricultural purposes or has a leasehold interest and an
30 ownership interest in farm or ranch land used for agricultural purposes
31 which when added together totals at least six hundred forty acres, (iii)
1 a nonresident of Nebraska who owns at least one thousand two hundred
2 eighty acres of farm or ranch land for agricultural purposes, or (iv) a
3 member of such owner's or lessee's immediate family and (b) the
4 qualifying farm or ranch land of the applicant shall be within an area
5 designated as an elk management zone by the commission in its rules and
6 regulations. An applicant shall not be issued a limited bull elk permit
7 more than once every three years, and the commission may give preference
8 to a person who did not receive a limited elk permit or a specified type
9 of limited elk permit during the previous years. The fee for a resident
10 landowner limited permit to hunt elk shall not exceed one-half the fee
11 for the regular permit to hunt elk. The fee for a nonresident landowner
12 limited permit to hunt elk shall not exceed three times the cost of a
13 resident elk permit. The number of applications allowed for limited elk
14 permits for each farm or ranch shall not exceed the total acreage of the
15 farm or ranch divided by the minimum acreage requirements established for
16 the property. No more than one person may qualify for the same described
17 property.
18 Sec. 2. Original section 37-455, Revised Statutes Supplement, 2019,
19 is repealed.
20 2. On page 1, strike lines 2 through 4 and insert "Revised Statutes
21 Supplement, 2019; to provide for special landowner deer hunting permits
22 as prescribed; and to repeal the original section.".

**LEGISLATIVE BILL 540.** Placed on Select File with amendment.

**ER161**
1 1. On page 1, line 3, strike "eliminate" and insert "change".

**LEGISLATIVE BILL 643.** Placed on Select File with amendment.

**ER162**
1 1. On page 2, line 9, after the second comma insert "and".

(Signed) Julie Slama, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 880.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 206.** **ER140**, found on page 329, was adopted.

Senator Morfeld offered his amendment, **AM2136**, found on page 401.

The Morfeld amendment was adopted with 27 ayes, 4 nays, 13 present and
not voting, and 5 excused and not voting.

Senator Clements offered the following amendment:

**AM2229**
1 1. Strike section 2 and all amendments thereto.

Pending.
LEGISLATIVE BILL 255. Placed on General File.

(Signed) Sara Howard, Chairperson

Revenue

LEGISLATIVE BILL 242. Placed on General File with amendment.

AM434

11. 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 Infrastructure Improvement and Replacement Assistance Act.
5 Sec. 2. (1) The Legislature finds that municipalities and sewer and
6 water utilities of this state face a need to construct, upgrade,
7 redevelop, and replace sewer and water infrastructure facilities and to
8 redevelop and replace obsolete sewer and water facilities. By providing
9 sewer and water facilities, municipalities and sewer and water utilities
10 provide the building blocks for economic development. Not only does the
11 investment in infrastructure generate an immediate stream of economic
12 activity, it also lays the groundwork for private investment that will
13 use the facilities so provided. Municipalities and sewer and water
14 utilities in this state currently are in critical need of assistance in
15 providing these facilities. Political subdivisions are limited in their
16 ability to finance major infrastructure projects. Political subdivisions
17 are able to use property taxes, local option sales taxes, bond funding,
18 fees for services, or a combination thereof. However, many of these
19 financing options contain statutory budget and tax levy restrictions. In
20 order to minimize the burden on property taxpayers in Nebraska, the
21 Legislature finds that it is fair and equitable to encourage the use of
22 fees for services to finance major infrastructure projects.
23 (2) The Legislature further finds that it is in the public interest
24 to assist municipalities and sewer and water utilities by establishing a
25 turnback of state sales tax revenue to provide funds to municipalities
26 and sewer and water utilities to be used to replace and redevelop sewer
27 and water infrastructure facilities and to redevelop and replace obsolete
28 sewer and water facilities. In order that this state and its residents
29 may receive long-term economic and fiscal benefits from such facilities,
30 a need exists to provide state assistance to municipalities and sewer and
31 water utilities endeavoring to construct, acquire, substantially
32 reconstruct, expand, operate, improve, or equip such facilities. It is in
33 the best interest of the state, its municipalities, and its sewer and
34 water utilities that the state assist municipalities and sewer and water
35 utilities in financing the construction, acquisition, substantial
36 reconstruction, expansion, operation, improvement, or equipping of sewer
37 and water infrastructure facilities and to permit municipalities and
38 sewer and water utilities to reissue bonds secured by amounts received
39 under the Infrastructure Improvement and Replacement Assistance Act and
40 from other sources.
41 Sec. 3. For purposes of the Infrastructure Improvement and
42 Replacement Assistance Act:
43 (1) Political subdivision means any local governmental body formed
44 and organized under state law and any joint entity or joint public agency
45 created under the Interlocal Cooperation Act or the Joint Public Agency
46 Act which has statutory authority to issue general obligation bonds;
47 (2) Sewer utility means any sewer utility operated by a political
21 subdivision; and
22 (3) Water utility means any water utility operated by a political
23 subdivision.
24 Sec. 4. (1) The state shall assist political subdivisions and sewer
25 and water utilities by turning back a percentage of certain state sales
26 tax revenue to political subdivisions and sewer and water utilities as
27 provided in this section.
28 (2) The state shall pay to each political subdivision, sewer
29 utility, or water utility a percentage of the state sales tax imposed
30 on sewer and potable water fees and collected by such political subdivision
31 or utility as follows:
1 (a) For sales taxes imposed from July 1, 2020, through June 30,
2 2021: 36.36 percent;
3 (b) For sales taxes imposed from July 1, 2021, through June 30,
4 2023: 54.54 percent; and
5 (c) For sales taxes imposed on and after July 1, 2023: 72.72
6 percent.
7 (3) Funds received under this section shall be used exclusively to
8 assist in:
9 (a) Paying for infrastructure improvements relating to constructing,
10 upgrading, redeveloping, or replacing sewer and water infrastructure
11 facilities;
12 (b) Paying for the redevelopment and replacement of obsolete water
13 or sewer facilities; or
14 (c) Repaying bonds issued and pledged for such work.
15 Sec. 5. The Department of Revenue shall adopt and promulgate rules
16 and regulations as necessary to carry out the Infrastructure Improvement
17 and Replacement Assistance Act.
18 Sec. 6. Since an emergency exists, this act takes effect when
19 passed and approved according to law.

LEGISLATIVE BILL 705. Placed on General File with amendment.

AM162
11. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1403, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1403 (1) Unless otherwise permitted under section 529A, the owner
6 of an account shall be the designated beneficiary of the account, except
7 that if the designated beneficiary of the account is a minor or has a
8 custodian or other fiduciary appointed for the purposes of managing such
9 beneficiary's financial affairs, a custodian or fiduciary for such
10 designated beneficiary may serve as the account owner if such form of
11 ownership is permitted or not prohibited under section 529A.
12 (2) Unless otherwise permitted under section 529A, the designated
13 beneficiary of an account shall be a resident of the state or of a
14 contracting state. The State Treasurer shall determine residency of
15 Nebraska residents for such purpose in such manner as may be required or
16 permissible under section 529A or, in the absence of any guidance under
17 section 529A, by such other means as the State Treasurer shall consider
18 advisable for purposes of satisfying the requirements of section 529A.
19 (3) Unless otherwise permitted under section 529A, a change in the
20 designated beneficiary of an account is permitted only if (a) the change
21 occurs during the life of the original designated beneficiary and (b) the
22 new beneficiary is an individual with a disability and a sibling of the
23 original designated beneficiary.
24 (4) At the time an account is established under the program and
25 prior to any change in the designated beneficiary pursuant to subsection
26 (3) of this section, the State Treasurer shall notify the owner of the
27 account or the designated beneficiary of the potential tax consequences
SIXTEENTH DAY - JANUARY 31, 2020

1 of making a change in the designated beneficiary pursuant to subsection
2 (3) of this section.
3 Sec. 2. Original section 77-1403, Reissue Revised Statutes of
4 Nebraska, is repealed.

(Signed) Lou Ann Linehan, Chairperson

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.

Jerome A. Fagerland - State Highway Commission
James W. Hawks - State Highway Commission
Douglas Leafgreen - State Highway Commission

Nay: 0. Absent: 0. Present and not voting: 1. Hughes.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 308. Introduced by Murman, 38.

WHEREAS, Daniel deFreese, a member of Troop 216 of Holdrege, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

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

WHEREAS, Daniel displayed his commitment to community service by adding two van accessible parking stalls and a covered entrance to a local non-profit theater; and

WHEREAS, Daniel, 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, SECOND SESSION:

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

Laid over.

SELECT FILE

LEGISLATIVE BILL 206. Senator Clements renewed his amendment, AM2229, found in this day's Journal.

Pending.

LEGISLATIVE BILL 381. ER149, found on page 383, was adopted.

Senator Hilgers offered his amendment, AM2209, found on page 476.

The Hilgers 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 477. ER144, found on page 383, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477A. ER145, found on page 383, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 68. ER146, found on page 384, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. ER148, found on page 384, was adopted.

Senator Dorn offered his amendment, AM2117, found on page 416.

The Dorn amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 148. ER147, found on page 384, was adopted.

Senator Groene offered his amendment, AM2176, found on page 473.

The Groene amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 76. ER150, found on page 389, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 236. ER151, found on page 389, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 266. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. ER154, found on page 434, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 534. ER153, found on page 436, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 287. ER156, found on page 459, was adopted.

Senator Quick offered his amendment, AM2162, found on page 473.

The Quick amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Committee AM1245, found on page 1258, First Session, 2019, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Scheer filed the following amendment to LB206:

FA93 Amend AM430
On page 4, strike lines 11-18.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB540.
Senator McCollister name added to LB640.
Senator Blood name added to LB643.
Senator Hunt name added to LB850.
Senator M. Hansen name added to LB850.
Senator Lowe name added to LB911.
Senator M. Hansen name added to LB1020.
Senator Blood name added to LR294.

VISITOR(S)

Visitors to the Chamber were Caroline Hilgert; Senator Slama's sister, Emily, from Lincoln; students and teacher from Peru State College; members of Habitat for Humanity from across the state; students from Waverly Elementary; and students from Brownell Talbot, Omaha.

The Doctor of the Day was Dr. Kent Lacey from Scottsbluff.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Monday, February 3, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTEENTH DAY - FEBRUARY 3, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 2020

PRAYER

The prayer was offered by Pastor Dan Wiese, St. Paul's Lutheran Church, Cambridge.

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 DeBoer, Geist, Groene, M. Hansen, Linehan, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Lindstrom - LB242

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 301, 302, 303, and 304 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 301, 302, 303, and 304.
Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 464:

- Public Employees Retirement Board
  - Kelli M. Ackerman
  - Michael D. Jahnke
  - Allen Simpson

Voting in the affirmative, 38:

- Albrecht
- Chambers
- Hansen, B.
- La Grone
- Quick
- Blood
- Clements
- Hilgers
- Lathrop
- Scheer
- Bolz
- Crawford
- Hilkemann
- Lowe
- Vargas
- Bostelman
- Dorn
- Howard
- McCollister
- Walz
- Brandt
- Erdman
- Hughes
- McDonnell
- Williams
- Brewer
- Friesen
- Hunt
- Moser
- Wishart
- Briese
- Gragert
- Kolowski
- Murman
- Cavanaugh
- Halloran
- Kolterman
- Pansing Brooks

Voting in the negative, 0.

Present and not voting, 3:

- Arch
- Lindstrom
- Morfeld

Excused and not voting, 8:

- DeBoer
- Groene
- Linehan
- Stinner
- Geist
- Hansen, M.
- Slama
- Wayne

The appointments were confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 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 464:

- Nebraska Investment Council
  - John M. Dinkel

Voting in the affirmative, 38:
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 468:

Nebraska Commission on Problem Gambling
Cameron J. Arch

Voting in the affirmative, 36:

Voting in the negative, 0.

Present and not voting, 7:

Excused and not voting, 6:
The appointment was 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 468:
- Nebraska Commission on Problem Gambling
  - Claudia Louise Barthold
  - Mark R. Canada

Voting in the affirmative, 36:

<table>
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<th>Albrecht</th>
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<th>Lowe</th>
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<td>Cavanaugh</td>
<td>Halloran</td>
<td>La Grone</td>
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Voting in the negative, 0.

Present and not voting, 8:

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<th>Arch</th>
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<th>Lathrop</th>
<th>Morfeld</th>
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<tr>
<td>Dom</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td>Vargas</td>
</tr>
</tbody>
</table>

Excused and not voting, 5:

<table>
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<th>Hansen, M.</th>
<th>Linehan</th>
<th>Slama</th>
<th>Stinner</th>
</tr>
</thead>
</table>

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 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 on page 489:
- State Highway Commission
  - Jerome A. Fagerland
  - James W. Hawks
  - Douglas Leafgreen

Voting in the affirmative, 37:
Voting in the negative, 0.

Present and not voting, 8:

Arch    Hilgers    Hughes    Morfeld
Gragert  Hilkemann  Lindstrom  Vargas

Excused and not voting, 4:

Groene  Hansen, M.  Slama  Stinner

The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB752:

AM2102

1. Strike sections 14 to 17 and insert the following new sections:
2 Sec. 14. (1) The Veterans' Health Task Force is created. The task
3 force shall consist of the following members:
4 (a) The chairperson of the Government, Military and Veterans Affairs
5 Committee of the Legislature or another member of the committee as such
6 chairperson's designee;
7 (b) One additional member of the Government, Military and Veterans
8 Affairs Committee of the Legislature designated by the chairperson of
9 such committee;
10 (c) The chairperson of the Health and Human Services Committee of
11 the Legislature or another member of the committee as such chairperson's
12 designee;
13 (d) One additional member of the Health and Human Services Committee
14 of the Legislature designated by the chairperson of such committee;
15 (e) One representative from the Department of Health and Human
16 Services designated by the chief executive officer of the Department of
17 Health and Human Services;
18 (f) One representative from the Department of Veterans' Affairs
19 designated by the Director of Veterans' Affairs; and
20 (g) One practicing psychologist in private practice appointed by the
21 chairperson of the Health and Human Services Committee of the
22 Legislature;
23 (h) Members of the task force shall serve without compensation but
24 shall be reimbursed for their actual and necessary expenses as provided
25 in sections 81-1174 to 81-1177.
26 (i) The chairperson of the Government, Military and Veterans Affairs
27 Committee of the Legislature or such chairperson's designee shall serve
1 as chairperson of the task force. Administrative and staff support for
2 the task force shall be provided by the Government, Military and Veterans
3 Affairs Committee of the Legislature and the Health and Human Services
4 Committee of the Legislature:
5 Sec. 15. (1) The Veterans' Health Task Force shall undertake a
6 study regarding development and implementation of a veteran health care
7 navigator program, administered by the Department of Veterans' Affairs,
8 as provided in this section.
9 (2) The program, if implemented, should provide for the hiring of a
10 suitable number of veteran health care navigators. Navigators should be
11 full-time employees of the department. Navigators should have direct
12 knowledge of the veteran communities they serve. The mission of the
13 navigators should be to:
14 (a) Increase access by veterans and their families to health care
15 coverage and services;
16 (b) Leverage existing resources and structures where veterans and
17 their families are likely to be found;
18 (c) Ensure that the needs of veterans and their families are
19 incorporated in all state efforts to expand access to affordable, quality
20 healthcare; and
21 (d) Ensure that veterans and their families have access to mental
22 health treatment, including for posttraumatic stress disorder,
23 depression, and suicide prevention.
24 (3) The program, if implemented, should provide the following duties
25 for veteran health care navigators:
26 (a) Identifying all federal and other health benefits, coverage, and
27 services available to veterans and their families;
28 (b) Coordinating with other local, state, and federal agencies and
29 departments, health care providers, and health insurance programs to help
30 veterans and their beneficiaries apply for coverage under such programs;
31 including helping veterans overcome barriers within the health care
32 system, to ensure enrollment in health plans and effective delivery and
33 coordination of health services;
34 (c) Ensuring that access to mental health coverage, services, and
35 treatment is a primary focus of their activities under the program;
36 (d) Connecting veterans to trained mental health care providers,
37 including those trained in veteran suicide prevention; and
38 (e) Carrying out such other duties as the Director of Veterans'
39 Affairs may assign to carry out the program.
40 (4) If the program is implemented, when carrying out their duties
41 under the program, the Department of Veterans' Affairs and the veteran
42 health care navigators should coordinate and collaborate with other
43 relevant local, state, and federal departments and agencies, including,
44 but not limited to, the behavioral health regions established in section
45 71-807, county veterans service officers, and the Department of Health
46 and Human Services.
47 (5) As part of the study required by this section, the Veterans'
48 Health Task Force shall also conduct an examination of all existing
49 health care and veterans' programs to:
50 (a) Evaluate whether the needs of veterans and their families are
51 met by such programs;
52 (b) Determine any necessary and appropriate steps that could be
53 taken to increase access to affordable, quality health care, including by
54 rule and regulation pursuant to existing statutory authority or through
55 new legislation; and
56 (c) Evaluate how the veteran health care navigator program proposed
57 under this section could improve access to affordable, quality health
58 care for veterans and their families.
59 (6) On or before January 1, 2022, the Veterans' Health Task Force
29 shall electronically submit a report to the Legislature regarding
development and implementation of a veteran health care navigator program
as provided in this section. The report shall include any recommended
legislation necessary to implement the program. The report shall also
summarize the task force’s findings from the examination under subsection
5 (5) of this section.
4 Sec. 16. (1) The Veterans’ Health Task Force shall conduct an
analysis of the impact Medicaid expansion has had on veterans and their
families.
7 (2) On or before January 1, 2022, the task force shall
electronically submit a report to the Legislature summarizing its
findings under this section. The report shall include any changes made or
proposed to be made through rule and regulation and any recommended
legislation.
12 Sec. 17. (1) The Veterans’ Health Task Force shall undertake a study
regarding development and implementation of a program to reduce barriers
to access to mental health services and treatment for veterans and their
families. If implemented, the program should provide for:
16 (a) Identifying structural and logistical barriers to accessing
17 treatment, including perceived stigma, long travel distances to receive
care, and any other barriers;
19 (b) Resolving all barriers identified in subdivision (1)(a) of this
20 section that can be resolved without legislative or budgetary action,
21 including through increased coordination between departments, nonprofit
22 organizations, service providers, and the federal government, application
23 for and use of private and federal grants, and any other actions;
24 (c) Enhancing and strengthening veteran suicide prevention programs
25 in keeping with proven best practices and research, including by:
26 (i) Identifying and applying for federal and private grants focused
27 on veteran suicide prevention;
28 (ii) Coordinating local, state, federal, and nonprofit programs that
29 include community-based approaches for at-risk veterans and veterans at
30 large;
31 (d) Providing technical assistance to communities to develop
32 strategic plans to reduce veteran suicide, including through coordination
33 and participation by local leaders, faith communities, schools,
34 workplaces, and other stakeholders; and
36 (iv) Evaluating community strategic plans within Nebraska and
37 disseminating findings and best practices to optimize the impact of
38 efforts by all partners and stakeholders;
39 (d) Creating a centralized provider database which identifies, by
40 region, mental health providers with the expertise and ability to assist
41 veterans and their families. The database should highlight providers
42 with training or experience in the prevention and treatment of veteran
43 suicide;
45 (e) Using the report created by the Department of Health and Human
46 Services under section 13 of this act to compile data on the locations of
47 residency and death, length and location of service, branch of service,
48 and occupation and industry or business of each veteran included in such
49 report;
50 (f) Using the compilation provided for in subdivision (1)(e) of this
51 section in the Department of Veterans’ Affairs’ efforts to prevent
52 veteran suicides; and
54 (g) Identifying evidence-based best practices to increase awareness
55 of veteran suicide prevention hotlines in Nebraska and elsewhere and
56 other crisis resources with proven effectiveness to reduce veteran
57 suicide.
59 (2) If the program is implemented, when carrying out its duties
60 under the program, the Department of Veterans’ Affairs should coordinate
61 and consult with:
27 (a) Other relevant local, state, and federal agencies and
28 departments, including, but not limited to, the behavioral health regions
29 established in section 71-807, county veterans service officers, and the
30 Department of Health and Human Services;
31 (b) Nonprofit organizations and service providers; and
32 (c) Other localities and cities that have effective mental health
33 treatment and prevention systems;
34 (3) On or before January 1, 2022, the Veterans' Health Task Force
35 shall electronically submit a report to the Legislature regarding
36 development and implementation of the program to reduce barriers to
37 access to mental health services and treatment for veterans and their
38 families. The report shall include any recommended legislation necessary
39 to implement the program.
40 Sec. 18. (1) On or before January 1, 2022, the Veterans' Health Task
41 Force shall develop a continuing education course for mental health
42 providers in Nebraska to obtain expertise in veteran suicide assessment,
43 prevention, treatment, and risk management. The course shall incorporate
44 best practices and research from the United States Department of
45 Veterans' Affairs and service providers in Nebraska and elsewhere. The
46 course shall be made available at no cost to health care providers in
47 areas of the state the Department of Veterans' Affairs has identified as
48 lacking sufficient trained mental health care providers.
49 (2) On or before January 1, 2022, the Veterans' Health Task Force
50 shall electronically submit a report to the Legislature regarding the
51 continuing education course developed under this section.
52 (3) On or before January 1, 2023, the Veterans' Health Task Force
53 shall electronically submit a report to the Legislature regarding
54 utilization of the course by mental health providers.
55 2. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB518:

AM2243

(Amendments to Standing Committee amendments, AM899)

1. On page 1, line 20, strike "and"; in line 23 strike the period
2. and insert ": and"; and after line 23 insert the following new
3. subdivision:
4. "(g) Given the subject matter and intent of this legislative bill,
5. it shall be considered within the context of the sordid history of
6. America relative to human trafficking and sexual exploitation. Therefore
7. it is appropriate to recognize and acknowledge some of the more renowned
8. members of the "All American Pantheon and Register of Human Traffickers",
9. which is hereby created. Charter members shall include (i) President
10. George Washington, (ii) President Thomas Jefferson ["all men are created
11. equal..."], (iii) President James Madison, (iv) President Andrew Jackson,
13. ["give me liberty or give me death"], (viii) Francis Scott Key ["the land
14. of the free and the home of the brave..."], and (ix) John Hancock [slave
15. smuggler]. Such register shall be kept, maintained, and prominently
16. displayed on a wall of the Governor's meeting room. Additional names
17. accompanied by factual documentation supporting placement on such
18. register may be submitted by any person to the Governor for consideration
19. for placement. Following a public hearing in accordance with the
20. Open Meetings Act, at a location determined by the Governor at which
21. public comments shall be taken, a determination shall be made whether or
22. not a suggested name, or names, shall be included in such register. The
23. Governor, the Attorney General, and the Secretary of State, serving as a
24. committee of three, shall make such determination by majority vote.
25. Rejection of placement of a name shall not be a bar to resubmission of
26. such name if it is accompanied by additional supportive facts."
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.

Glenn R. Wilson - Board of Educational Lands and Funds


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.

Dorothy C. Anderson - Nebraska Educational Telecommunications Commission
Jacque Carter - Nebraska Educational Telecommunications Commission


(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Monday, February 10, 2020 1:30 p.m.
LB1111
LB1153
LB1151
LB1217

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 267. Committee AM1245, found on page 1258, First Session, 2019, and considered on page 491, was renewed.

Senator La Grone offered the following motion:
MO143
Bracket until April 23, 2020.

SENATOR WILLIAMS PRESIDING

Senator La Grone withdrew his motion to bracket.
Senator La Grone offered the following amendment to the committee amendment:

**AM2265**

(Amendments to Standing Committee amendments, AM1245)
1. Strike amendment 1 and insert the following new amendment:
2. Strike the original sections and insert the following new
3. sections:
4. Section 1. Section 13-1304, Reissue Revised Statutes of Nebraska, is
5. amended to read:
6. 13-1304 Any commission established under sections 13-1301 to 13-1312
7. shall have power to:
8. (1) Sue and be sued;
9. (2) Have a seal and alter the seal;
10. (3) Acquire, hold, and dispose of personal property for its
11. corporate purposes;
12. (4) Acquire in the name of the city and county, by gift, grant,
13. bequest, purchase, or condemnation, real property or rights and easements
14. thereon necessary or convenient for its corporate purposes and use such
15. property or rights and easements so long as its corporate existence
16. continues;
17. (5) Make bylaws for the management and regulation of its affairs and
18. make rules and regulations for the use of its projects;
19. (6) With the consent of the city or the county, as the case may be,
20. use the services of agents, employees, and facilities of the city or
21. county, for which the commission may reimburse the city or the county its
22. proper proportion of the compensation or cost thereof, and use the
23. services of the city attorney as legal advisor to the commission;
24. (7) Appoint officers, agents, and employees and fix their
25. compensation, except that the county treasurer shall be the ex officio
26. treasurer of the commission;
1. (8) Design, acquire, construct, maintain, operate, improve, remodel,
2. remove, and reconstruct, so long as its corporate existence continues,
3. such projects for the use both by the city and county as are approved by
4. the city and the county and all facilities necessary or convenient in
5. connection with any such projects;
6. (9) Enter into agreements with the city or county, or both, as to
7. the operation, maintenance, repair, and use of its projects. Such
8. agreements may provide that the city or county, or both, has
9. responsibility for a certain area within any building, structure, or
10. facility, including the maintenance, repair, use, furnishing, or
11. management of such area;
12. (10) With the approval of both the city and the county, enter into
13. agreements with the United States of America, the State of Nebraska, any
14. body, board, agency, corporation, or other governmental entity of either
15. of them, or other governmental units for use by them of any projects to
16. the extent that such use is not required by the city or the county;
17. (11) Make all other contracts, leases, and instruments necessary or
18. convenient to the carrying out of the corporate purposes or powers of the
19. commission;
20. (12) Annually levy, assess, and certify to the governing body of the
21. county the amount of tax to be levied for the purposes of the commission
22. subject to section 77-3443, not to exceed one and seven-tenths cents on
23. each one hundred dollars upon the taxable valuation of all the taxable
24. property in the county. The governing body of the county shall collect
25. the tax so certified at the same time and in the same manner as other
26. county taxes are levied and collected, and the proceeds of such taxes
27. when due and as collected shall be set aside and deposited in the special
28. account or accounts in which other revenue of the commission is
29. deposited;
30 (13) Accept grants, loans, or contributions from the United States
31 of America, the State of Nebraska, any agency or instrumentality of
1 either of them, the city, the county, any other governmental unit, or any
2 private person, firm, or corporation and expend the proceeds thereof for
3 any corporate purposes;
4 (14) Subject to section 13-1306, incur incur debt, issue bonds and
5 notes and provide for the rights of the holders thereof, and pledge and
6 apply to the payment of such bonds and notes the taxes and other
7 receipts, income, revenue, profits, and money of the commission;
8 (15) Enter on any lands, waters, and premises for the purpose of
9 making surveys, findings, and examinations; and
10 (16) Do all things necessary or convenient to carry out the powers
11 specially conferred on the commission by sections 13-1301 to 13-1312.
12 Sec. 2. Section 13-1306, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 13-1306 (1)(a) With the prior approval of both the city and the
15 county for which the commission was created, the commission shall have
16 the power and is hereby authorized from time to time to issue its bonds
17 for any corporate purpose in such amounts as may be required to carry out
18 and perform the purposes for which such commission is established.
19 No bonds shall be issued by any commission on or after the effective date
20 of this act until the question has been submitted to the qualified
21 electors of the county at an election called for that purpose as provided
22 in this subsection and a majority of the qualified electors voting on the
23 question voted in favor of issuing the same.
24 (b) The county board shall give notice of the election at least
25 fifty days prior to the election. The question of issuing bonds may be
26 submitted at the statewide primary or general election. The election
27 shall be conducted in accordance with the Election Act.
28 (c) The question of bond issues, when defeated, shall not be
29 resubmitted in substance for a period of six months from and after the
30 date of such election.
31 (1) Before the issuance of bonds pursuant to sections 13-1301 to
32 13-1312, the commission shall make a written statement of all proceedings
33 relative to the vote upon the issuance of such bonds and the notice of
34 the election, the manner and time of giving notice, the question
35 submitted, and the result of the canvass of the vote on the proposition
36 pursuant to which it is proposed to issue such bonds, together with a
37 full statement of the taxable valuation and the total bonded indebtedness
38 of the county. Such statement shall be certified to under oath.
39 (2) The commission shall have power from time to time and when
40 refunding is deemed expedient to issue bonds in amounts sufficient to
41 refund any bonds, including any premiums payable upon the redemption of
42 the bonds to be refunded and interest to their redemption date upon the
43 bonds to be refunded, by the issuance of new bonds, whether the bonds to
44 be refunded have or have not matured. It may issue bonds partly to refund
45 bonds then outstanding and partly for any other corporate purpose subject
46 to approval by the voters if required under subsection (1) of this
47 section. The refunding bonds may be exchanged for the bonds to be
48 refunded with such cash adjustment as may be agreed or may be sold and
49 the proceeds applied to the purchase, redemption, or payment of the bonds
50 to be refunded.
51 (2) All bonds shall be general obligations of the commission issuing
52 the same and shall be payable out of the tax and other receipts, revenue,
53 income receipts, profits, or other money of the commission.
54 (4) A commission shall have power from time to time to issue bond
55 anticipation notes referred to as notes in this section and from time to
56 time to issue renewal notes, such notes in any case to mature not later
57 than thirty months from the date of incurring the indebtedness
58 represented thereby in an amount not exceeding in the aggregate at any
59 time outstanding the amount of bonds then or theretofore authorized. Such
29 notes shall be general obligations of the commission. Payment of such
30 notes shall be made from any money or revenue which the commission may
31 have available for such purpose or from the proceeds of the sale of bonds
3 of the commission or such notes may be exchanged for a like amount of
2 such bonds.
3 (5) All such bonds and notes shall be authorized by a resolution or
4 resolutions of the board, after approval by the voters if required under
5 subsection (1) of this section, and shall bear such date or dates, mature
6 at such time or times, bear interest at such rate or rates, be in such
7 denominations, be in such form, either coupon or registered, carry such
8 exchange privileges, be executed in such manner, be payable in such
9 medium of payment at such place or places within or without the State of
10 Nebraska and be subject to such terms of redemption and at such
11 redemption premiums, as such resolution or resolutions may provide and
12 the provisions of section 10-126, shall not be applicable to such bonds
13 or notes. The bonds and notes may be sold at public or private sale for
14 such price or prices as the commission shall determine. No proceedings
15 for the issuance of bonds or notes of a commission shall be required
16 other than those required by the provisions of sections 13-1301 to
17 13-1312 and the provisions of all other laws and city charters, if any,
18 relative to the terms and conditions for the issuance, payment,
19 redemption, registration, sale or delivery of bonds of public bodies,
20 corporations or political subdivisions of this state shall not be
21 applicable to bonds and notes issued by commissions pursuant to sections
22 13-1301 to 13-1312.
23 (6) The full faith and credit of the commission shall be pledged to
24 the payment and security of the bonds and notes issued by it, whether or
25 not such pledge shall be set forth in the bonds or notes. So long as any
26 of its bonds or notes are outstanding, the commission shall have the
27 power and be obligated to levy taxes within the limitation as provided in
28 section 13-1304 to the extent required, together with any other money
29 available to the commission therefor to pay the principal of and interest
30 and premium, if any, on such bonds and notes as the same become due and
31 payable.
1 (7) All bonds and notes issued pursuant to the provisions of
2 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
3 instruments within the meaning of and for all the purposes of the Uniform
4 Commercial Code subject only to any provisions contained in such bonds
5 and notes for the registration of the principal thereof.
6 (8) A commission shall have power to purchase bonds or notes of the
7 commission out of any money available therefor. Any bonds so purchased
8 shall be canceled by the commission.
9 Sec. 3. Original sections 13-1304 and 13-1306, Reissue Revised
10 Statutes of Nebraska, are repealed.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations
Room 1003

Thursday, February 13, 2020 1:30 p.m.
LB1154
LB762
LB780
Agency 69 - Arts Council, Nebraska
Agency 13 - Education, Department of
Agency 47 - Educational Telecommunications Commission, Nebraska
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.

Jan K. tenBensel - Nebraska Ethanol Board

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.

Norris Marshall - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

The Revenue 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 D. Kuhn - Tax Equalization and Review Commission


(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB1084:

AM2211

1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Sections 1 to 26 of this act shall be known and may be 4 cited as the Nebraska Transformational Projects Act.
5 Sec. 2. For purposes of the Nebraska Transformational Projects Act, 6 the definitions found in sections 3 to 14 of this act shall be used.
7 Sec. 3. Applicant means a postsecondary institution having a 8 college of medicine located in the State of Nebraska.
9 Sec. 4. Continuation period means the period of five years 10 immediately following the end of the transformational period.
11 Sec. 5. Date of application means the date that a completed 12 application is filed under the Nebraska Transformational Projects Act.
13 Sec. 6. Director means the Director of Economic Development. 14 Sec. 7. Investment means the amount paid by the applicant for:
15 (1) Real property that is (a) constructed after the date of 16 application, (b) owned by the applicant, (c) located at the qualified 17 location, and (d) used to carry out the project; or 18 (2) Equipment that is (a) purchased after the date of application, 19 (b) owned by the applicant, (c) located at the qualified location, and 20 (d) used to carry out the project.
21 Sec. 8. Matching funds means the funds provided toward investment 22 at a project by the State of Nebraska pursuant to section 18 of this act.
23 Sec. 9. (1) Private dollars means dollars donated to the applicant
24 specifically for the project by any combination of one or more of the
25 following:
26 (a) An individual;
27 (b) An organization that is exempt from income tax under section
28 501(c) of the Internal Revenue Code; or
29 (c) Any nongovernmental organization.
30 (2) Private dollars does not include any direct or indirect funding
31 from any federal, state, or local government.
32 Sec. 10. Project means an investment by the applicant of at least
33 one billion six hundred million dollars at one qualified location which
34 is made to carry out the requirements for the qualified location to be
35 included in the program described in Title VII, Subtitle C, section 740
36 of Public Law 116-92.
37 Sec. 11. Qualified location means any parcel of real property, or
38 contiguous or adjacent parcels of real property, within the State of
39 Nebraska that is or are owned by the applicant, and such other parcels
40 owned by the applicant that are necessary to support the applicant's
41 project at such parcel or parcels. Except to the extent required for a
42 project to be included in the program described in Title VII, Subtitle C,
43 section 740 of Public Law 116-92, the award made for a qualified location
44 may not be used for athletic or recreational purposes, except that a
45 qualified location may contain space, totaling less than ten percent of
46 the facility square footage at the project, that may be used for food
47 service or for exercise or recreational purposes as is commonly used for
48 the health and well-being of employees, students, and patients.
49 Sec. 12. Related entity means any entity which is a subsidiary or
50 affiliated entity of the applicant or which has, as one of its purposes
51 for existence, the financial support of the applicant.
52 Sec. 13. Transformational period means the period of time from the
53 date of the complete application through the earlier of (1) the end of
54 the tenth year after the year in which the complete application was filed
55 with the director or (2) the end of the year in which the applicant
56 attains the one billion six hundred million dollar investment
57 requirement.
58 Sec. 14. Year means the fiscal year of the State of Nebraska.
59 Sec. 15. (1) In order to be eligible to receive the matching funds
60 allowed in the Nebraska Transformational Projects Act, the applicant
61 shall file an application with the director, on a form developed by the
62 director, requesting an agreement.
63 (2) The application shall:
64 (a) Identify the project, including the qualified location of such
65 project, and state that the applicant is pursuing a partnership with the
66 federal government pursuant to Title VII, Subtitle C, section 740 of
67 Public Law 116-92 for the project;
68 (b) State the estimated, projected amount of total new investment at
69 the project, which shall not be less than one billion six hundred million
70 dollars, including the estimated, projected amount of private dollars and
71 matching funds;
72 (c) Include an independent assessment of the economic impact to
73 Nebraska from the project and its construction, which shall be performed
74 by a professional economist or economics firm which is not in the regular
75 employ of the applicant. The assessment must show, to the reasonable
76 satisfaction of the director, an economic impact to Nebraska of at least
77 two billion seven hundred million dollars during the planning and
78 construction period and at least four billion nine hundred million
79 dollars during the ten-year period beginning either when construction is
80 commenced or when the application is approved;
81 (d) Include approval of the project and of submission of the
82 application by the governing body of the applicant. Approval of the
83 project may be subject to other federal, state, and local government
26 approvals needed to complete the project and subject to obtaining the
time.
27 (e) State the E-Verify number or numbers that will be used by the
28 applicant for employees at the qualified location as provided by the
29 United States Citizenship and Immigration Services; and
30 (f) Contain a nonrefundable application fee of twenty-five thousand
31 dollars. The fee shall be remitted to the State Treasurer for credit to
32 the Nebraska Transformational Project Fund.
33 (3) An application must be complete to establish the date of the
34 application. An application shall be considered complete once it contains
35 the items listed in subsection (2) of this section.
36 (4) Once satisfied that the application is complete and that the
37 applicant is eligible to receive the matching funds allowed in the
38 Nebraska Transformational Projects Act, the director shall approve the
39 application.
40 (5) There shall be no new applications filed under this section
41 after December 31, 2021. Any complete application filed on or before
42 December 31, 2021, shall be considered by the director and approved if
43 the location and applicant qualify for approval. Agreements may be
44 executed with regard to any complete application filed on or before
45 December 31, 2021.
46 Sec. 16. (1) Within ninety days after approval of the application,
47 the director shall prepare and deliver a written agreement to the
48 applicant for the applicant's signature. The applicant and the director,
49 on behalf of the State of Nebraska, shall enter into such written
50 agreement. Under the agreement, the applicant shall agree to undertake
51 the project and report all investment at the project to the director
52 annually. The director, on behalf of the State of Nebraska, shall agree
53 to allow the applicant to receive the matching funds allowed in the
54 Nebraska Transformational Projects Act, subject to appropriation of such
55 funds by the Legislature. The application, and all supporting
56 documentation, to the extent approved, shall be considered a part of the
57 agreement. The agreement shall state:
58 (a) The qualified location;
59 (b) The type of documentation the applicant will need to document
60 its investment and receipt of private dollars under the act;
61 (c) The date the application was complete;
62 (d) A requirement that the applicant be and will stay registered for
63 the E-Verify Program provided by the United States Citizenship and
64 Immigration Services for the duration of the project;
65 (e) A requirement that the applicant update the director within
66 sixty days of the following events:
67 (i) Execution of an agreement for construction of real property at
68 the project;
69 (ii) Local approval for construction of real property at the
70 project;
71 (iii) A binding commitment for financing of the project by a private
72 lender, to the extent applicable;
73 (iv) Commencement of construction of real property at the project;
74 and
75 (v) The issuance of a certificate of occupancy for real property at
76 the project;
77 (f) A requirement that the applicant provide any information needed
78 by the director to perform his or her responsibilities under the Nebraska
79 Transformational Projects Act, in the manner specified by the director;
80 (g) A requirement that the applicant provide an annually updated
81 timetable showing the private dollars donated and received and the
82 investment at the project, in the manner specified by the director; and
83 (h) A requirement that the applicant update the director annually;
84 with its timetable or in the manner specified by the director, on any
changes in plans or circumstances which it reasonably expects will affect
the investment or expected donations for the project.
26 (2) Any failure by the applicant to timely provide the updates or
27 information required by the director of the act shall result in the loss
28 of the right to receive matching funds or may, in the discretion of the
29 director, result in the deferral of matching fund disbursements until
30 such updates and information have been provided to the director by the
31 applicant.
1 (3) The applicant shall provide documentation to the director
2 validating the receipt of private dollars.
3 (4) An agreement under the Nebraska Transformational Projects Act
4 shall have a duration of no more than fifteen years after the date of
5 application, consisting of up to the ten years of the transformational
6 period followed by the five-year continuation period, except such
7 agreement shall remain effective until all matching fund payments have
8 been received as provided for under the act.
9 (5) An agreement under the Nebraska Transformational Projects Act
10 must be approved by the governing body of the applicant to be valid.
11 Sec. 17. The following transactions or activities shall not create
12 investment under the Nebraska Transformational Projects Act except as
13 specifically allowed by this section:
14 (1) The renegotiation of any private donor commitment in existence
15 before the date of application, except to the extent of additional
16 donation commitments;
17 (2) The purchase of any property which was previously owned by the
18 applicant or a related entity. The first purchase by either the applicant
19 or a related entity shall be treated as investment if the item was first
20 placed in service in the state after the date of the application;
21 (3) The renegotiation of any agreement in existence on the date of
22 application which does not materially change any of the material terms of
23 the agreement shall be presumed to be a transaction entered into for the
24 purpose of facilitating benefits under the act and shall not be allowed
25 in the meeting of the required investment level under the act; and
26 (4) Any purchase of property from a related entity, except that the
27 applicant will be considered to have made investment under the act to the
28 extent the related entity would have been considered to have made
29 investment on the purchase of the property if the related entity was
30 considered the applicant.
31 Sec. 18. (1) Subject to section 21 of this act, an applicant shall,
1 upon the applicant's project being selected for the program established
2 under Title VII, Subtitle C, section 740 of Public Law 116-92 and the
3 receipt of federal dollars, be entitled to receive, from the State of
4 Nebraska, three hundred million dollars as matching funds for the three
5 hundred million dollars of private dollars received by the applicant
6 between the date of application and the end of the continuation period.
7 (2) Subject to section 21 of this act, the state shall pay the
8 available matching funds to the applicant on an annual basis.
9 Sec. 19. (1) The right to matching funds prescribed in section 18
10 of this act shall be established by filing the forms required by the
11 director. The matching funds may only be used by the applicant to make
12 investments at the project or to pay off debt financing for such
13 investments. Matching funds and private dollars shall be counted towards
14 the attainment of the one billion six hundred million dollar investment
15 requirement.
16 (2) Interest shall be due by the applicant on any repayment of
17 matching funds.
18 (3) All interpretations of the Nebraska Transformational Projects
19 Act shall be made by the director.
20 (4) An audit of a project shall be made by the director to the
21 extent and in the manner determined by the director. The director may
recover any matching funds which were erroneously allowed by issuing a
repayment determination within the later of three years from the date the
matching funds were paid or three years after the end of the continuation
period.
(5) Any determination by the director that the applicant does not
qualify, that a location is not a qualified location, that a project does
not qualify, that a private dollar donation does not qualify, or that
matching funds must be repaid may be protested by the applicant to the
director within sixty days after the mailing to the applicant of the
written notice of the proposed determination by the director. If the
notice of proposed determination is not protested in writing by the
applicant within the sixty-day period, the proposed determination is a
final determination. If the notice is protested, the director, after a
formal hearing by the director or by an independent hearing officer
appointed by the director, if requested by the applicant in such protest,
shall issue a written order resolving such protest.
Sec. 20. (1) The applicant must make an investment of one billion
six hundred million dollars at the project before the end of the
transformational period. If the applicant fails to reach such threshold,
all of the matching funds paid to the applicant under the Nebraska
Transformational Projects Act shall be repaid by the applicant to the
director, and the applicant shall be entitled to no matching funds for
the project.
(2) The applicant must maintain the required level of investment for
the entire continuation period. If the applicant fails to maintain the
required level of investment for the entire continuation period, all of
the matching funds paid to the applicant under the act shall be repaid by
the applicant to the director, and the applicant shall be entitled to no
matching funds for the project.
(3) If the applicant fails to receive, before the end of the
continuation period, three hundred million dollars of donations of
private dollars to be used for the project, then all matching funds paid
to the applicant under the act shall be repaid by the applicant to the
director.
(4) The repayment required by this section shall not occur if the
failure to receive a donation, or achieve or maintain the required level
of investment, was caused by an act of God or national emergency.
Sec. 21. The right to receive matching funds under the Nebraska
Transformational Projects Act:
(1) Shall be subject to the limitations provided in the act;
(2) Shall be subject to funds being appropriated by the Legislature;
and
(3) Shall not be transferable.
Sec. 22. If the applicant cannot be paid in full in any given
fiscal year, then the matching funds shall be paid in later years until
fully funded.
Sec. 23. Any complete application shall be considered a valid
application on the date submitted for the purposes of the Nebraska
Transformational Projects Act.
Sec. 24. (1) No later than October 1, 2022, and no later than
October 1 of each year thereafter, the director shall submit
electronically an annual report for the previous fiscal year to the
Legislature. The report shall be on a fiscal year, accrual basis that
satisfies the requirements set by the Governmental Accounting Standards
Board. The director shall, on or before December 15, 2022, and on or
before December 15 of each year thereafter, appear at a joint hearing of
the Appropriations Committee of the Legislature and the Revenue Committee
of the Legislature and present the report. Any supplemental information
requested by three or more committee members shall be presented within
thirty days after the request.
20 (2) The report shall state (a) the payment of matching funds made by
21 the State of Nebraska, (b) the expected payments of matching funds still
22 to be made by the State of Nebraska, and (c) the investment made by the
23 applicant.
24 (3) The report shall provide an explanation of the audit and review
25 processes of the Department of Economic Development in approving and
26 rejecting the provision of matching funds and in enforcing matching funds
27 repayment.
28 (4) No information shall be provided in the report or in
29 supplemental information that is protected by state or federal
30 confidentiality laws. The identity of private donors shall not be
31 included in the report.
1 Sec. 25. Except as otherwise provided in the Nebraska
2 Transformational Projects Act, the director may adopt and promulgate all
3 procedures and rules and regulations necessary to carry out the purposes
4 of the act.
5 Sec. 26. (1) The Nebraska Transformational Project Fund is hereby
6 created. The fund shall receive money from application fees paid under
7 the Nebraska Transformational Projects Act and from appropriations from
8 the Legislature, grants, private contributions, repayments of matching
9 funds, and all other sources. 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.
13 (2) It is the intent of the Legislature that the State Treasurer
14 shall transfer an amount not to exceed three hundred million dollars to
15 the Nebraska Transformational Project Fund no later than fiscal year
16 2026-27. No transfer shall be made to the fund until the applicant has
17 been selected for participation in the program described in Title VII,
18 Subtitle C, section 740 of Public Law 116-92 and commitments of at least
19 one billion three hundred million dollars in total investment, including
20 only federal dollars and private donations, have been secured.
21 Distributions may be made from the fund in amounts equal to the amount of
22 private dollars received by the applicant for the project.
23 (3) Any money remaining in the fund after all obligations have been
24 met shall be transferred to the General Fund.
25 Sec. 27. This act becomes operative on January 1, 2021.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 387. Placed on Select File with amendment.

ER163

1. On page 18, line 25, strike "subdivision" and insert
2. "subsection"
3. On page 19, line 23, after "a" insert "juror".
4. On page 34, line 25, strike "2020" and insert "2021".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB106.
Senator Blood name added to LB607.
Senator Kolterman name added to LB770.
Senator Blood name added to LB803.
Senator Blood name added to LB825.
Senator Blood name added to LB850.
Senator Blood name added to LB911.
Senator Blood name added to LB945.
Senator Blood name added to LB972.
Senator Blood name added to LB1189.

WITHDRAW - Cointroducer(s)

Senator Murman name withdrawn from LB205.
Senator Brewer name withdrawn from LR284CA.

VISITOR(S)

Visitors to the Chamber were Reverend Michael Holder from Liberia and Pastor Jason Kirsch from Lincoln; a group from the Nebraska State Bar Association Leadership Academy from across the state; and a group from the Nebraska Children and Families Foundation from across the state.

ADJOURNMENT

At 11:43 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTEENTH DAY - FEBRUARY 4, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 2020

PRAYER

The prayer was offered by Pastor Randall Klynsma, Omaha Reformed 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 Brandt, Cavanaugh, Groene, Linehan, Lowe, Morfeld, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 763. Placed on General File.

LEGISLATIVE BILL 822. Placed on General File.

LEGISLATIVE BILL 911. Placed on General File.

LEGISLATIVE BILL 820. Placed on General File with amendment.

AM2225

1. Strike original section 2 and insert the following new sections:
2 Sec. 2. Section 32-1305, Reissue Revised Statutes of Nebraska, is amended to read:
4 32-1305 (1) The principal circulator or circulators shall file, as
5 one instrument, all petition papers comprising a recall petition for
6 signature verification with the filing clerk within thirty days after the
7 filing clerk issues the initial petition papers to the principal
8 circulator or circulators as provided in section 32-1303.
9 (2) If the filing clerk is the subject of a recall petition, the
10 signature verification process shall be conducted by two election
11 commissioners or county clerks appointed by the Secretary of State.
12 Mileage and expenses incurred by officials appointed pursuant to this
13 subsection shall be reimbursed by the political subdivision involved in
14 the recall.
15 (3) Within fifteen business days after the filing of the petition,
16 the filing clerk shall ascertain whether or not the petition is signed by
17 the requisite number of registered voters. No new signatures may be added
18 after the initial filing of the petition papers. No signatures may be
19 removed unless the filing clerk receives an affidavit signed by the
20 person requesting his or her signature be removed before the petitions
21 are filed with the filing clerk for signature verification. If the
22 petition is found to be sufficient, the filing clerk shall attach to the
23 petition a certificate showing the result of such examination. If the
24 requisite number of signatures has not been gathered, the filing clerk
25 shall file the petition in his or her office without prejudice to the
26 filing of a new petition for the same purpose.
27 Sec. 3. Section 32-1306, Revised Statutes Supplement, 2019, is
1 amended to read:
2 32-1306 (1) If the recall petition is found to be sufficient, the
3 filing clerk shall notify the official whose removal is sought and the
4 governing body of the affected political subdivision that sufficient
5 signatures have been gathered. Notification of the official sought to be
6 removed may be by any method specified in section 25-505.01 or, if
7 notification cannot be made with reasonable diligence by any of the
8 methods specified in section 25-505.01, by leaving such notice at the
9 official's usual place of residence and mailing a copy by first-class
10 mail to the official's last-known address.
11 (2) The governing body of the political subdivision shall, within
12 twenty-one days after receipt of the notification from the filing clerk
13 pursuant to subsection (1) of this section, order an election. The date
14 of the election shall be the first available date that complies with
15 section 32-405 and that can be certified to the election commissioner or
16 county clerk at least fifty days prior to the election to be held not
17 less than fifty nor more than eighty days after the notification of the
18 official whose removal is sought under subsection (1) of this section,
19 except that if any other election is to be held in that political
20 subdivision within ninety days after such notification, the governing
21 body of the political subdivision shall provide for the holding of the
22 recall election on the same day.
23 (3) All resignations shall be tendered as provided in section
24 32-562. If the official whose removal is sought resigns before the recall
25 election is held, the governing body may cancel the recall election if
26 the governing body notifies the election commissioner or county clerk of
27 the cancellation at least twenty-four days prior to the election,
28 otherwise the recall election shall be held as scheduled.
29 (4) If the governing body of the political subdivision fails or
30 refuses to order a recall election within the time required, the election
31 may be ordered by the district court having jurisdiction over a county in
1 which the elected official serves. If a filing clerk is subject to a
2 recall election, the Secretary of State shall conduct the recall
3 election.
4 Sec. 4. Original section 32-1305, Reissue Revised Statutes of
5 Nebraska, section 32-312, Revised Statutes Cumulative Supplement, 2018,
6 and section 32-1306, Revised Statutes Supplement, 2019, are repealed.

LEGISLATIVE BILL 850. Placed on General File with amendment.

AM22226
1 1. On page 4, line 31, strike "Chairperson of the" and insert
2 "Secretary of State".
3 2. On page 5, strike line 1; and in line 15 strike "General Funds"
4 and insert "general funds".

(Signed) Tom Brewer, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR305 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR305.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL  68. Placed on Final Reading.
LEGISLATIVE BILL  76. Placed on Final Reading.
LEGISLATIVE BILL 107. Placed on Final Reading.
LEGISLATIVE BILL 148. Placed on Final Reading.
LEGISLATIVE BILL 236. Placed on Final Reading.
LEGISLATIVE BILL 266. Placed on Final Reading.

LEGISLATIVE BILL 381. Placed on Final Reading.

ST40

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER149, on page 9, line 2, "(3(a)" has been inserted before "The"; and in line 9 "(c)" has been struck, shown as stricken, and "(b)" inserted.

LEGISLATIVE BILL 477. Placed on Final Reading.
LEGISLATIVE BILL 477A. Placed on Final Reading.
LEGISLATIVE BILL 534. Placed on Final Reading.
LEGISLATIVE BILL 731. Placed on Final Reading.
LEGISLATIVE BILL 880. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 279CA. Read. Considered.

Senator Chambers offered the following motion:

MO144
Recommit to the Executive Board.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO145
Bracket until April 22, 2020.
Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion: MO146
Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

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

Senator Hilkemann filed the following amendment to LB827:

AM2266

1. Strike original section 1 and insert the following new sections:
2. Section 1. There is hereby appropriated $4,507,813 from federal funds for FY2020-21 to the Department of Health and Human Services, for Program 424.
3. There is included in the amount shown as aid in Program 424 for FY2020-21 $3,730,149 General Funds and $4,507,813 federal funds for rates paid to providers of developmental disability services as determined by the rate study conducted by the Division of Developmental Disabilities and completed in 2018.
4. No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Senator Lindstrom filed the following amendment to LB242:

AM2279

(Amendments to Standing Committee amendments, AM434)

1. Insert the following new section:
2. Sec. 5. (1) The Tax Commissioner shall certify to the State Treasurer, on a quarterly basis, the amount of state sales tax revenue collected by any political subdivision, sewer utility, or water utility on sewer and potable water fees and the applicable percentage which the state shall pay pursuant to section 4 of this act.
3. (2) Upon receipt of the quarterly certification, the State Treasurer shall transfer the amount certified from the General Fund to the Infrastructure Improvement and Replacement Assistance Cash Fund. The Infrastructure Improvement and Replacement Assistance Cash Fund is created. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Infrastructure Improvement and Replacement Assistance Cash 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.
4. (3) It is the intent of the Legislature to appropriate from the Infrastructure Improvement and Replacement Assistance Cash Fund to any political subdivision, sewer utility, or water utility an amount equal to the percentage of state sales taxes collected as provided in section 4 of this act.
5. (4) Distributions from the Infrastructure Improvement and Replacement Assistance Cash Fund shall be made based on the certification.
23 from the Tax Commissioner under subsection (1) of this section and shall
24 occur within fifteen days after receipt by the State Treasurer of such
25 certification.
26 (5) All payments to political subdivisions, sewer utilities, or
1 water utilities under the Infrastructure Improvement and Replacement
2 Assistance Act are made subject to specific appropriation for such
3 purpose.
4 2. On page 1, line 3, strike "5" and insert "6".
5 3. On page 3, line 15, strike "shall" and insert "may".
6 4. Renumber the remaining sections accordingly.

Senator Pansing Brooks filed the following amendment to LB848:
AM2263
1 1. On page 2, lines 5 and 6, strike "No business shall be transacted
2 on that day at any department of state."

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LR279CA:
MO147
Recommit to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 12, 2020 1:30 p.m.
LB892
LR300CA
LB1130
LB1203

(Signed) Lou Ann Linehan, Chairperson
Agriculture
Warner Chamber

Tuesday, February 18, 2020 1:30 p.m.
Beth Smith - Nebraska State Fair Board
State Fair Briefing
LB1200
LB1165

(Signed) Steve Halloran, Chairperson
Education
Room 1525

Tuesday, February 11, 2020 1:30 p.m.
LB1076
LB1080
(Signed) Mike Groene, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, February 11, 2020 1:30 p.m.
LB787 (cancel)

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 1074. Placed on General File.

LEGISLATIVE BILL 1070. Placed on General File with amendment.

AM2236

\[1\text{. On page 2, line 8, after the second comma insert "seed tender 2 trailers".}\]

(Signed) Lou Ann Linehan, Chairperson

VISITOR(S)

Visitors to the Chamber were members from the Music Therapy State Task Force from Omaha, Lincoln, Maryland, Virginia, and Iowa; Deion Wells-Ross from Omaha; a group of Physical Therapy students from UNMC, Clarkson, Creighton, and Southeast Community College; members of the Nebraska State Education Association-Retired from across the state; and students from Trinity Lutheran, Lincoln.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
NINeteenth Day - February 5, 2020

Legislative Journal

One Hundred Sixth Legislature
Second Session

Nineteenth Day

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 2020

Prayer

The prayer was offered by Senator Kolterman.

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 Crawford, Pansing Brooks, and Stinner who were excused; and Senators Cavanaugh, DeBoer, B. Hansen, Hilkemann, Hunt, Kolowski, La Grone, McCollister, Slama, Vargas, and Wayne who were excused until they arrive.

Corrections for the Journal

The Journal for the eighteenth day was approved.

Message(S) from the Governor

February 3, 2020

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 Board of Health:

John L. Kuehn, D.V.M., 1101 43 Road, Heartwell, NE 68935
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 4, 2020

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 Board of Emergency Medical Services:

Michael Sheridan, 5119 Decatur St., Omaha, NE 68104
Todd Hovey, 504 E. 3rd St., McCook, NE 69001
Dion J. Neumiller, Nebraska State Patrol, 300 W. South River Road, North Platte, NE 69101

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

Michael Bailey, 80135 Highway 183, Westerville, NE 68881

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 Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 501:

  Board of Educational Lands and Funds
  Glenn R. Wilson

Voting in the affirmative, 35:
Voting in the negative, 0.

Present and not voting, 1:

Lindstrom

Excused and not voting, 13:

Cavanaugh Hansen, B. Kolowski Pansing Brooks Wayne
Crawford Hilkemann La Grone Slama
DeBoer Hunt McCollister Stinner

The appointment was confirmed with 35 ayes, 0 nays, 1 present and not voting, and 13 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 501:

Nebraska Educational Telecommunications Commission
Dorothy C. Anderson
Jacque Carter

Voting in the affirmative, 31:

Albrecht Briese Gragert Kolterman Murman
Arch Chambers Groene Lathrop Quick
Blood Clements Halloran Linehan Scheer
Bolz Dorn Hansen, M. Lowe Vargas
Bostelman Erdman Hilgers McDonnell Walz
Brandt Friesen Howard Morfeld Williams
Brewer Geist Hughes Moser Wishart

Voting in the negative, 0.

Present and not voting, 5:

Hansen, M. Howard Lindstrom Scheer Vargas

Excused and not voting, 13:
The appointments were confirmed with 31 ayes, 0 nays, 5 present and not voting, and 13 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 505:

Nebraska Ethanol Board
  Jan K. tenBensel

Voting in the affirmative, 32:

Albrecht  Chambers  Gragert  La Grone  Quick
Arch  Clements  Groene  Lathrop  Vargas
Bostelman  DeBoer  Halloran  Linehan  Walz
Brandt  Dorn  Howard  Lowe  Williams
Brewer  Erdman  Hughes  Morfeld
Briese  Friesen  Hunt  Moser
Cavanaugh  Geist  Kolterman  Murman

Voting in the negative, 0.

Present and not voting, 8:

Blood  Hansen, M.  Lindstrom  Scheer
Bolz  Hilgers  McDonnell  Wishart

Excused and not voting, 9:

Cavanaugh  Hansen, B.  Kolowski  Pansing Brooks  Wayne
Hansen, B.  Kolowski  Pansing Brooks  Stinner

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 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 506:

Environmental Quality Council
  Norris Marshall

Voting in the affirmative, 26:
Voting in the negative, 0.

Present and not voting, 17:

Arch Hansen, M. Kolowski McDonnell Williams
Brandt Hilgers Kolterman Murman
Brewer Hilkemann Lathrop Vargas
Cavanaugh Howard McCollister Walz

Excused and not voting, 6:

Crawford Pansing Brooks Stinner
Hansen, B. Slama Wayne

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 506:

Tax Equalization and Review Commission
James D. Kuhn

Voting in the affirmative, 31:

Blood DeBoer Hunt Lowe Vargas
Bostelman Dorn Kolowski McCollister Wayne
Brandt Erdman Kolterman McDonnell Wishart
Brewer Geist La Grone Moser
Briese Gragert Lathrop Quick
Chambers Halloran Lindstrom Scheer
Clements Hilkemann Linehan Slama

Voting in the negative, 0.

Present and not voting, 14:

Albrecht Cavanaugh Hansen, M. Hughes Walz
Arch Friesen Hilgers Morfeld Williams
Bolz Groene Howard Murman

Excused and not voting, 4:
The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

ANNOUNCEMENT(S)

Priority designation(s) received:

Education - LB920

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Wednesday, February 12, 2020 1:30 p.m.
Mark M. Bulger - Commission for the Blind and Visually Impaired
LB833
LB1053
LB1051
LB1138
LB840

Thursday, February 13, 2020 1:30 p.m.
Brent Heyen - Commission for the Blind and Visually Impaired
Kimberly Scherbarth - Commission for the Blind and Visually Impaired
LB893
LB1002
LB1124
LB1058
LB1183

(Signed) Sara Howard, Chairperson

Natural Resources
Room 1525

Wednesday, February 12, 2020 1:30 p.m.
Dan C. Kreitman - Game and Parks Commission
LB1173
LB861

(Signed) Dan Hughes, Chairperson
LEGISLATIVE RESOLUTION 279CA. Senator Chambers offered his motion, MO147, found on page 517, to recommit to the Executive Board.

Senator Chambers offered the following motion:
MO148
Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.
Pending.

LEGISLATIVE BILL 242. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM434, found on page 487, was offered.

Senator Lindstrom offered his amendment, AM2279, found on page 516, to the committee amendment.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING
Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Transportation and Telecommunications - LB992 and LB944

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bailey, Michael - Board of Emergency Medical Services - Health and Human Services
Hovey, Todd - Board of Emergency Medical Services - Health and Human Services
Kuehn, John L. - State Board of Health - Health and Human Services
Neumiller, Dion J. - Board of Emergency Medical Services - Health and Human Services
Sheridan, Michael - Board of Emergency Medical Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board
Senator Mike Hilgers  
Chairperson, Executive Board  
Room 2108  
State Capitol  
Lincoln, NE 68509

Dear Senator Hilgers,

Enclosed is correspondence from History Nebraska. The correspondence relates to a request regarding a *Cash Gift and an Addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park*. History Nebraska requested permission to increase the project budget up $200,000 for a total of $1,929,770. The Governor approved this request as part of a Revised Program Statement on January 14, 2020. The additional funds have been pledged by the Kiewit Foundation.

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 accept a cash gift and an addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park to the Appropriations Committee for further consideration.

(Signed) Mike Hilgers, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 309.** Introduced by Briese, 41.

WHEREAS, Megan Helberg, an English teacher from Burwell, was named 2020 Nebraska Teacher of the Year; and

WHEREAS, Ms. Helberg earned a bachelor's degree in business administration from Chadron State College and received her teaching
WHEREAS, Ms. Helberg's goal is to bring the world to her students, teaching them about various races, religions, and ways of life by creating innovative lessons and hosting video chats with speakers and classrooms from different countries; and

WHEREAS, Ms. Helberg has also been a Burwell Public School Leader in Technology Educator, a Museum Teacher Fellow in Washington, D.C., and received a Fund for Teachers grant to travel internationally; and

WHEREAS, the Nebraska Teacher of the Year program recognizes teachers who are exceptionally dedicated, knowledgeable, skilled, and able to inspire students of all backgrounds and abilities.

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

1. That the Legislature congratulates Megan Helberg for being named the 2020 Nebraska Teacher of the Year.

2. That a copy of this resolution be sent to Megan Helberg.

Laid over.

LEGISLATIVE RESOLUTION 310. Introduced by Briese, 41.

WHEREAS, the United States Army Ranger School is a 62-day small unit tactics and leadership course that develops functional skills directly related to military units whose mission is to engage the enemy in close combat and direct fire battles; and

WHEREAS, Ranger School is considered one of the most physically and mentally demanding courses in the United States Army; and

WHEREAS, Alex Kerkman of Neligh and Christian Zuhlke of Brunswick have graduated from Ranger School.

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

1. That the Legislature appreciates the service of Alex Kerkman and Christian Zuhlke and congratulates them on graduating from the United States Army Ranger School and wishes them continued success in their training and service.

2. That a copy of this resolution be sent to Alex Kerkman and Christian Zuhlke.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Briese, 41.

WHEREAS, the American Legion Auxiliary developed Girls State in the 1930s to train young women in the positive processes of self-government and good citizenship as practiced in democratic societies; and
WHEREAS, Girls State citizens receive instruction in parliamentary procedure and participate in mock political parties and elections to fill city, county, and state positions; and
WHEREAS, as part of the mock democratic process, the Girls State citizens are involved in other activities including legislative sessions, campaigns, party rallies, mock trials, and debates; and
WHEREAS, on June 5, 2019, Alyssa Moser of Clearwater was elected Governor of the 2019 Cornhusker Girls 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, SECOND SESSION:
1. That the Legislature congratulates Alyssa Moser for being elected Governor of the 2019 Cornhusker Girls State.
2. That a copy of this resolution be sent to Alyssa Moser.

Laid over.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 965. Placed on General File with amendment.

AM2234
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The Legislature hereby declares that American Sign
4 Language is recognized by the State of Nebraska as a distinct and
5 separate language.
6 Sec. 2. The State Department of Education may provide for the
7 teaching of American Sign Language in public, private, denominational,
8 and parochial schools. If a school offers a course in American Sign
9 Language, such course shall be offered to all students and may be used
10 for world language credits by the school.
11 Sec. 3. Any postsecondary educational institution may offer an
12 elective course in American Sign Language. Any credits earned in a course
13 in American Sign Language at a postsecondary educational institution may
14 be used for world language credits if recognized as such by the
15 postsecondary educational institution.
16 Sec. 4. For purposes of sections 4 to 6 of this act:
17 (1) Communication means a two-way, interactive process to convey
18 meaning from one person or group to another through the use of mutually
19 understood signs, symbols, or voice;
20 (2) Credentialed teacher of the deaf means a certificated teacher
21 with a special education endorsement in deaf or hard of hearing
22 education;
23 (3) English means English literacy, spoken English, signing exact
24 English and morphemic system of signs, conceptually accurate signed
25 English, cued speech, and any other visual supplements;
26 (4) Language means a complex and dynamic system of conventional
27 symbols that is used in various modes for thought and communication; and
28 (5) Literacy includes the developmental stages of literacy, which
29 are necessary beginning stages to master a language and which include
30 pre-emergent, emergent, and novice levels.
4 Sec. 5. (1) The State Department of Education, in collaboration
5 with the Commission for the Deaf and Hard of Hearing, shall establish and
6 coordinate a language assessment program for children who are deaf or
7 hard of hearing. The program shall assess, monitor, and track the
8 language developmental milestones for children from birth through five
9 years of age who are deaf or hard of hearing. The scope of the program
10 shall include children who use one or more communication modes in
11 American Sign Language, English literacy, and, if applicable, spoken
12 English and visual supplements.
13 (2) Language assessments shall be given as needed to each child who
14 is deaf or hard of hearing and who is less than six years of age in
15 compliance with the Special Education Act and the federal Individuals
16 with Disabilities Education Act, as such act existed on January 1, 2020.
17 Such language assessments shall be provided in accordance with the
18 provisions of this section and any recommendations adopted pursuant to
19 this section.
20 (3) On or before December 31, 2021, and on or before each December
21 thereafter, the State Department of Education and the Commission for
22 the Deaf and Hard of Hearing shall publish a joint report that is
23 specific to language and literacy developmental milestones for each age
24 from birth through five years of age of children who are deaf or hard of
25 hearing, including children who are deaf or hard of hearing and have
26 another disability, relative to such children's peers who are not deaf or
27 hard of hearing. Such report shall be based on existing data annually
28 reported by the State Department of Education in compliance with the
29 federally required state performance plan on pupils with disabilities.
30 The State Department of Education and the Commission for the Deaf and
31 Hard of Hearing shall each publish the report on their respective web
1 sites. The report shall be electronically submitted to the Education
2 Committee of the Legislature and the Clerk of the Legislature.
3 Sec. 6. (1) The Commission for the Deaf and Hard of Hearing shall
4 appoint an advisory committee to advise the commission regarding all
5 aspects of the language assessment program established pursuant to
6 section 5 of this act. The advisory committee shall consist of fourteen
7 members as follows:
8 (a) One member shall be a credentialed teacher of the deaf who uses
9 both American Sign Language and English during instruction;
10 (b) One member shall be a credentialed teacher of the deaf who uses
11 spoken English, with or without visual supplements, during instruction;
12 (c) One member shall be a credentialed teacher of the deaf who has
13 expertise in curriculum development and instruction for American Sign
14 Language and English;
15 (d) One member shall be a credentialed teacher of the deaf who has
16 expertise in assessing language development in both American Sign
17 Language and English;
18 (e) One member shall be a speech language pathologist who has
19 experience working with children from birth through five years of age;
20 (f) One member shall be a professional with a linguistic background
21 who conducts research on language outcomes of children who are deaf or
22 hard of hearing and who uses both American Sign Language and English;
23 (g) One member shall be a parent of a child who is deaf or hard of
24 hearing and who uses both American Sign Language and English;
25 (h) One member shall be a parent of a child who is deaf or hard of
26 hearing and who uses spoken English with or without visual supplements;
27 (i) One member shall be knowledgeable about teaching and using both
28 American Sign Language and English in the education of children who are
29 deaf or hard of hearing;
30 (j) One member shall be a community member representing the deaf
31 community;

(l) One member shall be the state liaison for any regional programs for the education of children who are deaf or hard of hearing, coordinated through the State Department of Education, or the state liaison's designee.

(m) One member shall be a member of the Commission for the Deaf and Hard of Hearing; and

(n) One member shall be the coordinator of a network that provides service coordination for children with special needs who are below three years of age or the coordinator's designee.

On or before August 1, 2020, the executive director of the Commission for the Deaf and Hard of Hearing shall call an organizational meeting of the advisory committee. At such organizational meeting, the members shall elect a chairperson and vice-chairperson from the membership of the advisory committee. The advisory committee may meet at any time and at any place within the state on the call of the chairperson. A quorum of the advisory committee shall be six members. All actions of the advisory committee shall be by motion adopted by a majority of those members present when there is a quorum.

On or before July 1, 2021, the advisory committee shall develop specific action plans and make recommendations necessary to fully implement the language assessment program. The advisory committee shall:

(a) Collaborate with the coordinating council for a network that provides service coordination for children with special needs who are below three years of age and an advisory council that provides policy guidance to the State Department of Education;

(b) Solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;

(c) Review and recommend the use of existing and available language assessments for children who are deaf or hard of hearing;

(d) Recommend qualifications for identifying language professionals with knowledge of the use of evidence-based, best practices in English and American Sign Language who can be available to advocate at individualized family service plan or individualized education program team meetings;

(e) Recommend qualifications for identifying language assessment evaluators with knowledge of the use of evidence-based, best practices with children who are deaf or hard of hearing and the resources for locating such evaluators; and

(f) Recommend procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used, and progress of the child to the parent or legal guardian of such child and the teachers and other professionals involved in the early intervention and education of such child.

(g) The specific action plans and recommendations developed by the advisory committee shall include, but are not limited to, the following:

(a) Language assessments that include data collection and timely tracking of the child's development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

(b) Language assessments conducted in accordance with standardized norms and timelines in order to monitor and track language developmental milestones in receptive, expressive, social, and pragmatic language acquisition and developmental stages to show progress in American Sign Language literacy, English literacy, or both, for all children from birth through five years of age who are deaf or hard of hearing;

(c) Language assessments delivered in the child's mode of communication and which have been validated for the specific purposes for which each assessment is used, and appropriately normed;

(d) Language assessments administered by individuals who are
proficient in American Sign Language for American Sign Language assessments and English for English assessments; (c) Use of assessment results, in addition to the results of the assessment required by federal law, for guidance in the language developmental discussions by individualized family service plan or individualized education program team meetings when assessing the child's progress in language development; (f) Reporting of assessment results to the parents or legal guardian of the child and any applicable agency; (g) Reporting of assessment results on an aggregated basis to the Education Committee of the Legislature, the Clerk of the Legislature, and the Governor; and (h) Reporting of assessment results to the members of the child's individualized family service plan or individualized education program team, as applicable, to track the child's progress, and to establish or modify the individualized family service plan or individualized education program. (5) The advisory committee appointed pursuant to this section shall terminate on July 1, 2021. Sec. 7. The Revisor of Statutes shall assign section 2 of this act to Chapter 79, article 7, and section 3 of this act to Chapter 85, article 9.

(Signed) Mike Groene, Chairperson

UNANIMOUS CONSENT - Room Change

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 10, 2020, in the Warner Chamber instead of Room 1003. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB794.
Senator Bolz name added to LB817.
Senator Hunt name added to LB866.
Senator Kolowski name added to LB962.
Senator Linehan name added to LB995.
Senator Kolterman name added to LB1001.
Senator Blood name added to LB1001.

VISITOR(S)

Visitors to the Chamber were Tim Lindahl from Sidney, Ryan Reiber from Alliance, and Brian Heithoff; a group from Seward County 4-H; students and teachers from Syracuse High School; Kurt Mantonya, Louise Niemann, and Melissa Bartels; students and teachers from Sterling Public Schools;
and a group from the Nebraska Association of County Extension Boards from all 93 counties and the University of Nebraska.

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

**ADJOURNMENT**

At 11:44 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTIETH DAY - FEBRUARY 6, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 2020

PRAYER

The prayer was offered by Senator Clements.

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; and Senators McCollister, Morfeld, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Chambers - LB924

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2020, 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

Kelley Plucker, LLC
WellCare Health Plans, Inc. and Its Subsidiaries (Withdrawn 02/05/2020)
Kissel Kohout ES Associates, LLC
Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR307 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR307.

MOTION(S) - Return LB880 to Select File

Senator Chambers moved to return LB880 to Select File for the following specific amendment:

FA95
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 880. 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 Supplement, 2019; 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:
Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh   Kolowski

Excused and not voting, 3:

Hansen, B.   McCollister   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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB880.

MOTION(S) - Return LB4 to Select File

Senator Chambers moved to return LB4 to Select File for the following specific amendment:

FA96  Strike the enacting clause.

SPEAKER SCHEER PRESIDING

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:


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; to eliminate provisions relating to notice; to repeal the original sections; to outright repeal section 77-5015.01, 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, 34:

Arch
Blood
Bolz
Brandt
Briese
Cavanaugh
Chambers

Crawford
DeBoer
Dorn
Friesen
Gragert
Hansen, M.
Hilkemann

Howard
Hughes
Hunt
Kolowski
Koltermann
Lathrop
Lindstrom

Linehan
McCollister
McDonnell
Murman
Pansing Brooks
Quick
Scheer

Stinner
Vargas
Walz
Wayne
Williams
Wishart

Voting in the negative, 11:

Albrecht
Bostelman
Brewer

Clements
Geist
Groene

Halloran
Hilgers
La Grone

Lowe
Slama

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.

**LEGISLATIVE BILL 4A.** With Emergency Clause.

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, Second Session, 2020; 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, 36:
Arch Crawford Hughes McDonnell Walz
Blood DeBoer Hunt Morfeld Wayne
Bolz Dorn Kolowski Murman Williams
Brandt Friesen Kolterman Pansing Brooks Wishart
Brewer Gragert Lathrop Quick
Briese Hansen, M. Lindstrom Scheer
Cavanaugh Hilkemann Linehan Stinner
Chambers Howard McCollister Vargas

Voting in the negative, 9:
Albrecht Clements Halloran La Grone Slama
Bostelman Geist Hilgers Lowe

Present and not voting, 3:
Erdman Groene Moser

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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB30 with 41 ayes, 4 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 30.**

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.

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  Koltermann  Murman  Wishart  
Cavanaugh  Groene  LaGrone  Pansing Brooks  
Chambers  Halloran  Lathrop  Quick  

Voting in the negative, 0.

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.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 93.**

A BILL FOR AN ACT relating to paternity; to amend section 43-1411, 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.

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  Hilkemann  Lowe  Stinner  
Arch  Crawford  Howard  McCollister  Vargas  
Blood  DeBoer  Hughes  McDonnell  Walz  
Bolz  Dorn  Hunt  Morfeld  Wayne  
Bostelman  Friesen  Kolowski  Moser  Williams  
Brandt  Geist  Koltermann  Murman  Wishart  
Brewer  Gragert  LaGrone  Pansing Brooks  
Briese  Groene  Lathrop  Quick  
Cavanaugh  Hansen, M.  Lindstrom  Scheer  
Chambers  Hilgers  Linehan  Slama  

Voting in the negative, 0.
Present and not voting, 2:
Erdman Halloran

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 230.**

A BILL FOR AN ACT relating to juvenile facilities; to amend sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134.01, Revised Statutes Cumulative Supplement, 2018; to change provisions and provide requirements for room confinement for juveniles 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:

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Voting in the negative, 0.

Present and not voting, 4:

| Albrecht | Groene | Kolowski | Lowe |

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 582.

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 stolen firearms; to provide a penalty; 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.  Linehan  Slama
Arch  Crawford  Hilgers  Lowe  Stinner
Blood  DeBoer  Hillemann  McCollister  Vargas
Bolz  Dorn  Howard  McDonnell  Walz
Bostelman  Erdman  Hughes  Morfeld  Wayne
Brandt  Friesen  Hunt  Moser  Williams
Brewer  Geist  Kolterman  Murman  Wishart
Briese  Gragert  La Grone  Pansing  Brooks
Cavanaugh  Groene  Lathrop  Quick
Chambers  Halloran  Lindstrom  Scheer

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

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 740.

A BILL FOR AN ACT relating to the State Treasurer; to repeal a section providing for certain transfers of funds on August 30, 2009; and to outright repeal section 84-621, 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, 48:
Voting in the negative, 0.

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.

MOTION(S) - Return LB741 to Select File

Senator Chambers moved to return LB741 to Select File for the following specific amendment:

FA98
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 741.

A BILL FOR AN ACT relating to labor; to repeal provisions governing the Subsidized Employment Pilot Program that terminated on July 1, 2018; and to outright repeal sections 48-3101, 48-3102, 48-3103, 48-3104, 48-3105, 48-3106, 48-3107, and 48-3108, 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, 48:
Voting in the negative, 0.

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 68.**

A BILL FOR AN ACT relating to cities; to amend sections 19-4029.02 and 19-4029.03, Revised Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027, 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement, 2019; to change provisions of the Business Improvement District Act 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:

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Voting in the negative, 0.

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 76.

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.

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  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.

Present and not voting, 1:

Walz

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.

MOTION(S) - Recommit LB107 to Committee

Senator Chambers offered the following motion to LB107: MO150
Recommit to the Urban Affairs Committee.

Senator Chambers withdrew his motion to recommit to committee.
The following bill was read and put upon final passage:

LEGISLATIVE BILL 107.

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.

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 Crawford Howard McCollister Stinner
Blood DeBoer Hughes McDonnell Vargas
Bolz Dorn Hunt Morfeld Walz
Brandt Gragert Kolowski Moser Williams
Brewer Groene Kolterman Murman Wishart
Briese Halloran Lathrop Pansing Brooks
Cavanaugh Hansen, M. Lindstrom Quick
Chambers Hilkemann Linehan Scheer

Voting in the negative, 8:

Albrecht Clements Hilgers Lowe
Bostelman Geist La Grone Slama

Present and not voting, 3:

Erdman Friesen 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 LB148 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 148.**

A BILL FOR AN ACT relating to state and local government; to amend section 13-506, Revised Statutes Cumulative Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes Supplement, 2019; 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.

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:

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Voting in the negative, 0.

Present and not voting, 3:

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Excused and not voting, 1:

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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 LB236 with 39 ayes, 6 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 236.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Supplement, 2019; to change provisions relating to access to sales and use tax information by municipalities; 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 Halloran Lathrop Scheer
Clements Hansen, M. Lindstrom Slama

Voting in the negative, 0.

Present and not voting, 2:

Albrecht Lowe

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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to political subdivisions; to amend sections
14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of Nebraska, and section 19-903, Revised Statutes Supplement, 2019; to change provisions relating to new or updated comprehensive plans; 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 DeBoer Hilkemann Linehan Stinner
Blood Dorn Howard McCollister Vargas
Bolz Friesen Hughes McDonnell Wayne
Brandt Geist Hunt Morfeld Williams
Brewer Gragert Kolowski Moser Wishart
Briese Groene Kolterman Murman
Cavanaugh Halloran La Grone Pansing Brooks
Chambers Hansen, M. Lathrop Quick
Crawford Hilgers Lindstrom Scheer

Voting in the negative, 2:

Bostelman Clements

Present and not voting, 5:

Albrecht Erdman Lowe Slama Walz

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.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 287. Placed on Final Reading.

ST41
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E&R amendments, ER156, on page 18, line 16, "and" has been inserted after the second comma; the matter beginning with the third comma in line 16 through "orders" in line 18 has been struck; and in line 22 the first "for" has been struck and "or entering certain" inserted.

(Signed) Julie Slama, Chairperson
LEGISLATIVE BILL 1054. Placed on General File.

(Signed) Mark Kolterman, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 461. Placed on General File with amendment. AM2205 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 939. Placed on General File.

LEGISLATIVE BILL 764. Placed on General File with amendment. AM2194

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

3 Section 1. Section 8-224.01, Reissue Revised Statutes of Nebraska, is amended to read:

5 8-224.01 (1) No charge shall be allowed against an estate or trust for legal services performed by an attorney who is a salaried employee of the trust company or when a portion of the charge for legal service is retained by the trust company. Any officer or employee of the trust company causing or consenting to such division of fee for legal service shall be guilty of a Class I misdemeanor. No investments of an estate or trust shall be made in the capital stock or securities of the trust company, in the stock or securities of its affiliated companies, or in obligations, either direct or indirect, of any director, officer, or employee of the trust company. The trust company shall not substitute any securities or obligations as part of its assets if such assets receive in kind from the grantor of the estate or trust and retention of such capital stock, securities, or obligations is properly authorized by the terms of the governing document. Any officer or employee of the trust company making such an investment or consenting to such an investment or causing such substitution or consenting to such substitution shall be guilty of a Class III felony.

25 (2) No loan of the assets of the trust company shall be made to any officer or director of such corporation. No trust company shall cause or allow funds of any account entrusted to the trust company to be loaned, directly or indirectly, to any director, officer, or employee of the trust company except when the director, officer, or employee has a specific beneficial interest in the account and such loans are allowed in governing account documents and are not prohibited by other state or federal law. Any director, officer, or employee of the trust company causing, consenting to, or receiving funds from a loan made in violation of this section shall be guilty of a Class III felony.

8 (3) This section shall not apply to:
9 (a) Investments authorized in section 30-3205; or
10 (b) Investments for which the will or trust states that the stock of
11 the trust company or securities of a company or companies affiliated with
12 the trust company may be acquired for the estate or trust;
13 Sec. 2, Section 30-3205, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 30-3205 (1) Notwithstanding the prohibition on investments in
16 section 8-224.01, a fiduciary holding funds for investment may invest
17 such funds in securities of, or other interests in, a private investment
18 fund or any open-end or closed-end investment-type investment company or
19 investment trust registered or exempt from registration under pursuant to
20 the federal Investment Company Act of 1940, as amended, if a court order,
21 will, agreement, or other instrument creating or defining the investment
22 powers of the fiduciary directs, requires, authorizes, or permits the
23 investment of such funds in any of the following:
24 (a) Such investments as the fiduciary may, in his or her discretion,
25 select;
26 (b) Investments investments generally, other than those in which
27 fiduciaries are by law authorized to invest trust funds; and
28 (c) United States Government obligations if the portfolio of such
29 investment company or investment trust is limited to United States
30 Government obligations and to repurchase agreements fully collateralized
31 by such obligations and if such investment company or investment trust
32 takes delivery of the collateral, either directly or through an
33 authorized custodian.
34 (2)(a) Notwithstanding the prohibition on investments in section
35 8-224.01, a 2 bank or trust company acting as a fiduciary, agent, or
36 otherwise may, in the exercise of its investment discretion or at the
37 direction of another person authorized to direct investment of funds held
38 by the bank or trust company as a fiduciary, invest and reinvest
39 interests in the securities of a private investment fund or an open-end
40 or closed-end management-type investment company or investment trust
41 registered or exempt from registration under pursuant to the federal
42 Investment Company Act of 1940, as amended, or may retain, sell, or
43 exchange such interests so long as the portfolio of the investment
44 company or investment trust as an entity consists substantially of
45 investments not prohibited by the instrument governing the fiduciary
46 relationship.
47 (b) The fact that the bank or trust company or an affiliate of the
48 bank or trust company provides services to the investment company, or
49 investment trust, or private investment fund, such as that of an
50 investment advisor, custodian, transfer agent, registrar, sponsor,
51 distributor, manager, or otherwise, and is receiving reasonable
52 compensation for the services shall not preclude the bank or trust
53 company from investing, reinvesting, retaining, or exchanging any
54 interest held by the trust estate in the securities of a private
55 investment fund or any open-end or closed-end management-type investment
56 company or investment trust registered or exempt from registration under
57 pursuant to the federal Investment Company Act of 1940, as amended.
58 Sec. 3. Original sections 8-224.01 and 30-3205, Reissue Revised
59 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 853, Placed on General File with amendment.

AM2271
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. For purposes of sections 1 to 3 of this act:
4 (1) Account means a contract of deposit of funds between the
5 depositor and a financial institution and:
6 (a) The account is owned by a vulnerable adult or senior adult,
7 whether individually or with one or more other persons; or
8 (b) A vulnerable adult or senior adult is a beneficiary of the
9 account, including a formal or informal trust account, a payable on death
10 account, a conservatorship account, or a guardianship account;
11 (2) Department means the Department of Health and Human Services;
12 (3) Financial exploitation means:
13 (a) The wrongful or unauthorized taking, withholding, appropriation,
14 or use of the money, assets, or other property or the identifying
15 information of a vulnerable adult or senior adult by any person, or
16 (b) An act or omission by a person, including through the use of a
17 power of attorney on behalf of, or as the conservator or guardian of, a
18 vulnerable adult or senior adult, to:
19 (1) Obtain control, through deception, intimidation, fraud, or undue
20 influence, over the vulnerable adult's or senior adult's money, assets,
21 or other property to deprive the vulnerable adult or senior adult of the
22 ownership, use, benefit, or possession of the property; or
23 (ii) Convert the money, assets, or other property of a vulnerable
24 adult or senior adult to deprive a vulnerable adult or senior adult of
25 the ownership, use, benefit, or possession of the property;
26 (4) Financial institution means a bank, savings bank, building and
27 loan association, savings and loan association, or credit union, whether
28 chartered by the Department of Banking and Finance, the United States, or
29 a foreign state agency; any other similar organization which is covered
30 by federal deposit insurance; a subsidiary or affiliate of any such
31 entity, or a trust company as defined in section 8-230;
32 (5) Law enforcement agency has the same meaning as in section
33 28-359;
34 (b) Senior adult has the same meaning as in section 28-366.01;
35 (7) Transaction means any of the following as applicable to services
36 provided by a financial institution:
37 (a) A transfer or request to transfer or disburse funds or assets in
38 an account;
39 (b) A request to initiate a wire transfer, initiate an automated
40 clearinghouse transfer, or issue a money order, cashier's check, or
41 official check;
42 (c) A request to negotiate a check or other negotiable instrument;
43 (d) A request to change the ownership of, or access to, an account;
44 (e) A request for a loan, guarantee of a loan, extension of credit,
45 or draw on a line of credit;
46 (f) A request to encumber any movable or immovable property;
47 including real property, personal property, or fixtures; and
48 (g) A request to designate or change the designation of
49 beneficiaries to receive any property, benefit, or contract right for a
50 vulnerable adult or senior adult at death; and
51 (8) Vulnerable adult has the same meaning as in section 28-371.
52 Sec. 2. (1) It is the intent of the Legislature to provide legal
53 protection to financial institutions so that they have the discretion to
54 take action to assist in detecting and preventing financial exploitation;
55 (2) The Legislature recognizes that financial institutions are in a
56 unique position to potentially discover financial exploitation when
57 conducting transactions on behalf of and at the request of their
58 customers;
59 (3) The Legislature recognizes that financial institutions have
60 duties imposed by contract and duties imposed by both federal and state
61 law to conduct transactions requested by their customers faithfully and
62 timely in accordance with the customer's instructions; and
63 (4) The Legislature recognizes that financial institutions do not
64 have a duty to contravene the valid instructions of their customers and
65 nothing in sections 1 to 3 of this act creates such a duty.
66 Sec. 3. (1) When a financial institution, or an employee of a
9 financial institution, reasonably believes, or has received information
10 from the department or a law enforcement agency demonstrating that it is
11 reasonable to believe, that financial exploitation of a vulnerable adult
12 or senior adult may have occurred, may have been attempted, is occurring,
13 or is being attempted, the financial institution may, but is not required
14 to:
15 (a) Delay or refuse a transaction with or involving the vulnerable
16 adult or senior adult;
17 (b) Delay or refuse to permit the withdrawal or disbursement of
18 funds contained in the vulnerable adult's or senior adult's account;
19 (c) Prevent a change in ownership of the vulnerable adult's or
20 senior adult's account;
21 (d) Prevent a transfer of funds from the vulnerable adult's or
22 senior adult's account to an account owned wholly or partially by another
23 person;
24 (e) Refuse to comply with instructions given to the financial
25 institution by an agent or a person acting for or with an agent under a
26 power of attorney signed or purported to have been signed by the
27 vulnerable adult or senior adult; or
28 (f) Prevent the designation or change the designation of
29 beneficiaries to receive any property, benefit, or contract rights for a
30 vulnerable adult or senior adult at death.
31 (2) A financial institution is not required to act under subsection
32 (1) of this section when provided with information alleging that
33 financial exploitation may have occurred, may have been attempted, is
34 occurring, or is being attempted, but may use the financial institution's
35 discretion to determine whether or not to act under subsection (1) of
36 this section based on the information available to the financial
37 institution at the time.
38 (3)(a)(i) A financial institution may notify any third party
39 reasonably associated with a vulnerable adult or senior adult if the
40 financial institution reasonably believes that the financial exploitation
41 of a vulnerable adult or senior adult may have occurred, may have been
42 attempted, is occurring, or is being attempted.
43 (ii) A third party reasonably associated with a vulnerable adult or
44 senior adult includes, but is not limited to, the following: (A) A
45 parent, spouse, adult child, sibling, or other known family member or
46 close associate of a vulnerable adult or senior adult; (B) an authorized
47 contact provided by a vulnerable adult or senior adult to the financial
48 institution; (C) a co-owner, additional authorized signatory, or
49 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
50 attorney in fact, trustee, conservator, guardian, or other fiduciary who
51 has been selected by a vulnerable adult or senior adult, a court, or a
52 third party to manage some or all of the financial affairs of the
53 vulnerable adult or senior adult; and (E) an attorney known to represent
54 or have represented the vulnerable adult or senior adult.
55 (b) A financial institution may choose not to notify any third party
56 reasonably associated with a vulnerable adult or senior adult if
57 suspected financial exploitation of the vulnerable adult or senior adult
58 if the financial institution reasonably believes the third party is, may
59 be, or may have been engaged in the financial exploitation of the
60 vulnerable adult or senior adult or if requested to refrain from making a
61 notification by a law enforcement agency, if such notification could
62 interfere with a law enforcement investigation.
63 (c) Nothing in this subsection shall prevent a financial institution
64 from notifying the department or a law enforcement agency, if the
65 financial institution reasonably believes that the financial exploitation
66 of a vulnerable adult or senior adult may have occurred, may have been
67 attempted, is occurring, or is being attempted.
68 (4) The authority granted the financial institution under subsection
7 (1) of this section expires upon the sooner of: (a) Thirty business days
8 after the date on which the financial institution first acted under
9 subsection (1) of the section; (b) when the financial institution is
10 satisfied that the transaction or act will not result in financial
11 exploitation of the vulnerable adult or senior adult, or (c) upon
12 termination by an order of a court of competent jurisdiction.
13 (3) Unless otherwise directed by order of a court of competent
14 jurisdiction, a financial institution may extend the duration under
15 subsection (4) of this section based on a reasonable belief that the
16 financial exploitation of a vulnerable adult or senior adult may continue
17 to occur or continue to be attempted.
18 (b) A financial institution and its bank holding company, if any,
19 and any employees, agents, officers, and directors of the financial
20 institution and its bank holding company, if any, shall be immune from
21 any civil, criminal, or administrative liability that may otherwise exist
22 (g) for delaying or refusing to execute a transaction, withdrawal, or
23 disbursement, or for not delaying or refusing to execute such
24 transaction, withdrawal, or disbursement under this section and (b) for
25 actions taken in furtherance of determinations made under subsections (1)
26 through (5) of this section.
27 (7)(a) Notwithstanding any other law to the contrary, the refusal by
28 a financial institution to engage in a transaction as authorized under
29 subsection (1) of this section shall not constitute the wrongful dishonor
30 of an item under section 4-402, Uniform Commercial Code.
31 (b) Notwithstanding any other law to the contrary, a reasonable
32 belief that payment of a check will facilitate the financial exploitation
33 of a vulnerable adult or senior adult shall constitute reasonable grounds
34 to doubt the collectability of the item for purposes of the federal Check
35 Clearing for the 21st Century Act, 12 U.S.C. 4001 et seq., the federal
36 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
37 part 229, as such acts and part existed on January 1, 2020.

LEGISLATIVE BILL 854. Placed on General File with amendment.
AM2154
1 1. On page 3, line 28, after "director" insert "or administrator".
2 2. On page 7, line 18, after "method" insert "If the governmental
3 unit has agreed in advance to receive such report by accessing the
4 administrator's web site".

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB827:
AM2320
1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated $4,507,813 from federal
3 funds for FY2020-21 to the Department of Health and Human Services, for
4 Program 348:
5 There is hereby appropriated $3,730,149 from the General Fund to the
6 Department of Health and Human Services, for Program 424.
7 There is included in the amount shown as aid in Program 424 for
8 FY2020-21 $3,730,149 General Funds and there is included in the amount
9 shown as aid in Program 348 for FY2020-21 $4,507,813 federal funds for
10 rates paid to providers of developmental disability services as
11 determined by the rate study conducted by the Division of Developmental
12 Disabilities and completed in 2018.
13 No expenditures for permanent and temporary salaries and per diems
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Thursday, February 13, 2020 1:30 p.m.
LB987
LB989
LB1013
LB1109

(Signed) Lou Ann Linehan, Chairperson
Natural Resources
Room 1525

Thursday, February 13, 2020 1:30 p.m.
Karl Barfuss - Environmental Quality Council
LB933
LB1205

(Signed) Dan Hughes, Chairperson
Appropriations
Room 1003

Thursday, February 13, 2020 1:30 p.m.
Nebraska State Historical Society
Note: Cash Gift and an Addendum thereto for renovations to the Abbot
Visitor Center at Chimney Rock National Park

(Signed) John Stinner, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 4, 4A, 30, 93, 230, 582, 740, 741, 68, 76, 107, 148, 236, and 731.

SELECT FILE

LEGISLATIVE BILL 734. ER152, found on page 422, was adopted.

Senator Hunt offered her amendment, AM2120, found on page 381.

The Hunt 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.

SENATOR HILGERS PRESIDING

LEGISLATIVE BILL 734A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. Er155, found on page 460, was adopted.

Senator Vargas offered the following amendment:

AM2306 (Amendments to E&R amendments, ER155)
1 1. On page 1, strike beginning with "and" in line 15 through
2 "application" in line 16, show as stricken, and insert ". The person
3 whose request is approved shall then apply"; and in line 27 strike
4 "petition the department directly", show as stricken, and insert "apply
5 to the department"
6 2. On page 2, strike beginning with "referral" in line 5 through
7 "petition" in line 7 and insert "receiving an application"; and in lines
8 8 and 15 strike "request for final approval" and insert "application".

The Vargas amendment was adopted with 31 ayes, 0 nays, 17 present and
not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310A. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 518. Er157, found on page 472, was adopted.

Senator Chambers offered his amendment, Am2243, found on page 500.

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, 3:

Cavanaugh  Chambers  Kolowski

Voting in the negative, 34:
Present and not voting, 10:

Albrecht  Clements  Halloran  Linehan  Scheer
Arch  Dorn  Hilgers  Lowe  Slama
Blood  Erdman  Hilkemann  McDonnell  Vargas
Bostelman  Friesen  Hughes  Moser  Walz
Brandt  Geist  Koltorman  Murman  Wayne
Brewer  Gragert  La Grone  Pansing Brooks  Williams
Briese  Groene  Lindstrom  Quick

Excused and not voting, 2:

Hansen, B.  Stinner

The Chambers amendment lost with 3 ayes, 34 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Blood offered the following amendment:

AM2327

(Amendments to Standing Committee amendments, AM899)

1 1. Insert the following new section:
2 Sec. 10.  (1) For purposes of this section:
3 (a) Certifying agency means a state or local law enforcement agency,  
4 prosecutor, or other authority that has responsibility for the  
5 investigation or prosecution of qualifying criminal activity, as  
6 described in 8 C.F.R. 214.14(a)(2);  
7 (b) Certifying official means the head of the certifying agency or  
8 any person in a supervisory role who has been specifically designated by  
9 the head of the certifying agency to issue U nonimmigrant status  
10 certifications on behalf of that agency, as described in 8 C.F.R.  
11 214.14(a)(3);  
12 (c) Form I-914B means Form I-914, Supplement B, Declaration of Law  
13 Enforcement Officer for Victim of Trafficking in Persons, of the  
14 Department of Homeland Security, United States Citizenship and  
15 Immigration Services;  
16 (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant  
17 Status Certification, of the Department of Homeland Security, United  
18 States Citizenship and Immigration Services;  
19 (e) Investigation or prosecution has the same meaning as in 8 C.F.R.  
20 214.14;  
21 (f) Law enforcement agency means a state or local law enforcement  
22 agency, prosecutor, or other authority that has responsibility for the  
23 investigation or prosecution of severe forms of trafficking in persons,  
24 as described in 8 C.F.R. 214.11(a);  
25 (g) Qualifying criminal activity has the same meaning as in 8 C.F.R.  
26 214.14;  
27 1 (h) Victim of qualifying criminal activity has the same meaning as  
2 (i) Victim of a severe form of trafficking in persons has the same
4 meaning as in 8 C.F.R. 214.11; and
5 (j) All references to federal statutes and regulations refer to such
6 statutes and regulations as they existed on January 1, 2020.
7 (2)(a) On request from an individual whom a law enforcement agency
8 reasonably believes to be a victim of a severe form of trafficking in
9 persons, for purposes of a nonimmigrant T visa, pursuant to the criteria
10 in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (III), a law enforcement agency, no
11 later than ninety business days after receiving the request:
12 (i) Shall complete, sign, and return to the individual the Form
13 I-914B; and
14 (ii) May submit a written request to an appropriate federal law
15 enforcement officer asking such officer to file an application for
16 continued presence pursuant to 22 U.S.C. 7105(c)(3).
17 (b) If the law enforcement agency determines that an individual does
18 not meet the requirements of the law enforcement agency for completion of
19 a Form I-914B, the law enforcement agency shall, no later than ninety
20 business days after receiving the request, inform the individual of the
21 reason and that the individual may make another request with additional
22 evidence or documentation to satisfy such requirements. The law
23 enforcement agency shall permit the individual to make such additional
24 request.
25 (3)(a) On request from an individual whom a certifying agency
26 reasonably believes to be a victim of qualifying criminal activity, for
27 purposes of a nonimmigrant U visa, pursuant to the certification criteria
28 in 8 U.S.C. 1101(a)(15)(U)(ii) to (IV) and (iii), a certifying
29 official in the certifying agency, no later than ninety business days
30 after receiving the request shall, complete, sign, and return to the
31 individual the Form I-918B.
32 (b) For purposes of determining helpfulness pursuant to 8 U.S.C.
33 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if,
34 since the initiation of cooperation, the individual has not unreasonably
35 refused to cooperate or failed to provide information and assistance
36 reasonably requested by law enforcement or the prosecutor.
37 (c) If the certifying official determines that an individual does
38 not meet the requirements of the certifying agency for completion of a
39 Form I-918B, the certifying official shall, no later than ninety business
40 days after receiving the request, inform the individual of the reason and
41 that the individual may make another request with additional evidence or
42 documentation to satisfy such requirements. The certifying official shall
43 permit the individual to make such additional request.
44 (4) An investigation, the filing of charges, a prosecution, or a
45 conviction are not required for an individual to request and obtain the
46 signed and completed Form I-914B or Form I-918B from a law enforcement
47 agency or certifying official.
48 (5) It is the exclusive responsibility of the federal immigration
49 authorities to determine whether a person is eligible for a T or U visa.
50 Completion of a Form I-914B or Form I-918B by a law enforcement agency or
51 certifying official only serves to verify information regarding certain
52 criteria considered by the federal government in granting such visas.
53 (6) A law enforcement agency, certifying agency, or certifying
54 official has the discretion to revoke, disavow, or withdraw a previous
55 completion of a Form I-914B or Form I-918B at any time after initial
56 completion, as provided in 8 C.F.R. 214.11(d)(3)(i) and 8 C.F.R.
58 (7) A law enforcement agency or certifying agency that receives a
59 request under this section shall maintain an internal record of such
60 request, including whether such request was granted or denied and, if
61 denied, the reasons for such denial. Such record shall be maintained for
62 at least three years from completion or denial of the request.
1 2. Renumber the remaining sections accordingly.
The Blood amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 541. ER158**, found on page 472, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 540. ER161**, found on page 486, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 643. ER162**, found on page 486, was adopted.

Senator Kolterman offered the following amendment:

*FA94*

Strike Sec. 1.

Senator Kolterman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387. ER163**, found on page 511, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

**Judiciary**

**LEGISLATIVE BILL 745.** Placed on General File.

**LEGISLATIVE BILL 751.** Placed on General File.

**LEGISLATIVE BILL 924.** Placed on General File.

**LEGISLATIVE BILL 43.** Placed on General File with amendment.

**AM2037** is available in the Bill Room.

**LEGISLATIVE BILL 58.** Placed on General File with amendment.

**AM2123** is available in the Bill Room.

**LEGISLATIVE BILL 832.** Placed on General File with amendment.

**AM2293**

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

3 Section 1. Section 25-21,186, Reissue Revised Statutes of Nebraska, is amended to read:
5 25-21,186 (1) No person who renders emergency care at the scene of an accident or other emergency gratuitously, shall be held liable for any
LEGISLATIVE BILL 1166. Placed on General File with amendment. AM2310

1. Strike the original sections and insert the following new sections:
2. Section 1. Section 79-499, Revised Statutes Cumulative Supplement, 2018, is amended to read:
3. 79-499 (1) If the fall school district membership or the average daily membership of an existing Class III school district shows fewer than thirty-five students in grades nine through twelve, the district shall submit a plan for developing cooperative programs with other high schools, including the sharing of curriculum and certificated and noncertificated staff, to the State Committee for the Reorganization of School Districts. The cooperative program plan shall be submitted by the school district by September 1 of the year following such fall school district membership or average daily membership report. A cooperative program plan shall not be required if there is no high school within fifteen miles from such district on a reasonably improved highway. The state committee shall review the plan and provide advice and communication to such school district and other high schools.
5. (2) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class III school district is fewer than twenty-five pupils in grades nine through twelve as determined by the Commissioner of Education or if for one year an existing Class III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (3) or (4) of this section, be dissolved pursuant to the procedures described in subdivision (4)(b) of this section through the order of the state committee if the high school is within fifteen miles on a reasonably improved highway of another high school.
6. This subsection does not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.
7. Any Class III school district which has a fall school district membership or an average daily membership of fewer than twenty-five students in grades nine through twelve may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed one year. At the end of such one-year period, the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such fall school district membership or average daily membership, it
16 shall be dissolved pursuant to the procedures described in subdivision
17 (4)(b) of this section by order of the state committee entered after
18 thirty days' notice to the district but without a hearing,
19 notwithstanding the distance on a reasonably improved highway to the
20 nearest school district conducting a high school.
21 (4)(a) Any Class III school district maintaining the only public
22 high school in the county with a fall school district membership or an
23 average daily membership of fewer than twenty-five students in grades
24 nine through twelve shall be subject to this subsection until such school
25 district reaches a fall school district membership or an average daily
26 membership in grades nine through twelve of at least thirty-five students
27 or, for two consecutive years, fewer than fifteen students in grades nine
28 through twelve or such school district dissolves. Such school district
29 may continue to operate the high school if:
30 (i) The plan submitted pursuant to subsection (1) of this section
31 provides a broad-based curriculum as determined by the state committee;
32 and
33 (ii) At a districtwide election held the second Tuesday of November
34 by whatever means the county conducts balloting, in the second
35 consecutive school year that the fall school district membership for
36 grades nine through twelve is fewer than twenty-five students, a majority
37 of voters approve a ballot issue to continue to operate the high school
38 for the immediately following school year. If such ballot issue succeeds
39 in the initial election, the school board shall annually determine if
40 such a districtwide election is necessary for each subsequent year that
41 the school district is subject to this subsection, except that such
42 school board shall hold such districtwide election if four years have
43 passed since the last election pursuant to this section and the school
44 district has remained subject to this subsection.
45 (b) If such ballot issue as provided in subdivision (4)(a)(ii) of
46 this section fails, or if a school district falls within the provisions
47 of subsection (2) or (3) of this section, the state committee shall
48 dissolve the school district and attach the territory to other school
49 districts based on the preferences of each landowner if such preference
50 is provided in the time and manner required by the state committee and
51 would transfer such parcels to a school district with a boundary
52 contiguous to the school district being dissolved. Landowners submitting
53 such preferences shall sign a statement that the district of preference
54 is the district which children who might reside on the property, at the
55 time of the dissolution or in the future, would be expected to attend.
56 For property for which a preference is not provided in the time and
57 manner required by the state committee, the state committee shall
58 transfer such property to one or more of the school districts with
59 boundaries contiguous to the district being dissolved in a manner that
60 will best serve children who might reside on such property, at the time
61 of the dissolution or in the future, and that will, to the extent
62 possible, create compact and contiguous districts.
63 (c) This subsection shall not apply to any school district if the
64 fall school district membership or average daily membership falls to
65 fewer than fifteen students in grades nine through twelve for two
66 consecutive years.
67 (5) For purposes of this section, when calculating fall school
68 district membership or average daily membership, a resident school
69 district as defined in section 79-233 shall not count students attending
70 an option district as defined in such section and a Class III school
71 district shall not count foreign exchange students and nonresident
72 students who are wards of the court or state.
73 11 Sec. 2. Original section 79-499, Revised Statutes Cumulative
74 Supplement, 2018, is repealed.
75 13 Sec. 3. Since an emergency exists, this act takes effect when
14 passed and approved according to law.

(Signed) Mike Groene, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 2020, at 11:25 a.m. were the following: LBs 880e, 4e, 4Ae, 30, 93, 230, 582, 740, 741, 68, 76, 107, 148, 236, and 731.

(Signed) Jamie Leishman
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 Wayne name added to LB68.
Senator Wayne name added to LB230.
Senator McCollister name added to LB242.
Senator Wayne name added to LB387.
Senator Wayne name added to LB540.
Senator Wayne name added to LB582.
Senator Wayne name added to LB731.
Senator Wayne name added to LB734.
Senator Linehan name added to LB772.
Senator Blood name added to LB831.

VISITOR(S)

Visitors to the Chamber were Andrew Kitzing from Lincoln and Lori Kitzing from Ruskin; James Prange from Omaha and Clark Kolterman and Rick Endicott from Seward; members of the Lincoln and Omaha Young Professional groups; and members of Leadership Tomorrow of Grand Island and Leadership Hastings.

The Doctor of the Day was Dr. Derrick Anderson from Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Monday, February 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIRST DAY - FEBRUARY 10, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 2020

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., Senator Hughes presiding.

The roll was called and all members were present except Senators Geist, Pansing Brooks, and Wishart who were excused; and Senators Chambers, Friesen, Groene, M. Hansen, Hunt, McCollister, Morfeld, Scheer, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 28. Placed on General File with amendment. AM2281
1 1. On page 2, line 28, strike "2020" and insert "2021".

LEGISLATIVE BILL 247. Placed on General File with amendment. AM2206 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 790. Placed on General File.
LEGISLATIVE BILL 890. Placed on General File with amendment.

AM2274
1 1. Strike original section 2 and insert the following new sections:
2 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 13-2904 (1) Notwithstanding the procedures for public lettings in
5 sections 73-101 to 73-106 or any other statute relating to the letting of
6 bids by a political subdivision, a political subdivision which follows
7 the Political Subdivisions Construction Alternatives Act may solicit and
8 execute a design-build contract or a construction management at risk
9 contract.
10 (2) The governing body of the political subdivision shall adopt a
11 resolution selecting the design-build contract or construction management
12 at risk contract delivery system provided under the act prior to
13 proceeding with the provisions of sections 13-2905 to 13-2914. The
14 resolution shall require the affirmative vote of at least two-thirds of
15 the governing body of the political subdivision. The resolution shall
16 include a statement that the political subdivision has made a
17 determination that the design-build contract or construction management
18 at risk contract delivery system is in the public interest based, at a
19 minimum, on one of the following criteria: (a) Savings in cost or time;
20 or (b) requirement of specialized or complex construction methods
21 suitable for the design-build contract or construction management at risk
22 contract delivery system.
23 Sec. 3. Original section 13-2904, Reissue Revised Statutes of
24 Nebraska, and section 13-2914, Revised Statutes Supplement, 2019, are
25 repealed.
26 2. Renumber the remaining section accordingly.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB949:

AM2292
1 1. On page 2, line 19, strike "three" and insert "one".

COMMUNICATION

Received communication to Senator Howard and the Health and Human
Services Committee, from Gary J. Anthone, M.D., Chief Medical Officer,
Director, Division of Public Health, Department of Health and Human
Services, regarding the reappointment of the following to the Nebraska
Stem Cell Research Advisory Committee:

Dr. Rui Yi

GENERAL FILE

LEGISLATIVE BILL 242. Committee AM434, found on page 487 and
considered on page 525, was renewed.

Senator Lindstrom renewed his amendment, AM2279, found on page 516
and considered on page 525, to the committee amendment.
Senator Lindstrom moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

Senator Lindstrom requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 25:

<table>
<thead>
<tr>
<th>Arch</th>
<th>DeBoer</th>
<th>Kolowski</th>
<th>McCollister</th>
<th>Stinner</th>
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<tr>
<td>Blood</td>
<td>Hilgers</td>
<td>Kolterman</td>
<td>McDonnell</td>
<td>Vargas</td>
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<td>Bolz</td>
<td>Hilkemann</td>
<td>La Grone</td>
<td>Morfeld</td>
<td>Walz</td>
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<td>Cavanaugh</td>
<td>Howard</td>
<td>Lathrop</td>
<td>Quick</td>
<td>Wayne</td>
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<td>Crawford</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td>Scheer</td>
<td>Williams</td>
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</table>

Voting in the negative, 2:

Albrecht  Murman

Present and not voting, 11:

<table>
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<tr>
<th>Bostelman</th>
<th>Briese</th>
<th>Erdman</th>
<th>Hansen, B.</th>
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<tr>
<td>Brandt</td>
<td>Clements</td>
<td>Gragert</td>
<td>Moser</td>
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<td>Brewer</td>
<td>Dorn</td>
<td>Halloran</td>
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Excused and not voting, 11:

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<th>Chambers</th>
<th>Groene</th>
<th>Linehan</th>
<th>Slama</th>
</tr>
</thead>
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<tr>
<td>Friesen</td>
<td>Hansen, M.</td>
<td>Lowe</td>
<td>Wishart</td>
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<tr>
<td>Geist</td>
<td>Hunt</td>
<td>Pansing Brooks</td>
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</tbody>
</table>

The Lindstrom amendment was adopted with 25 ayes, 2 nays, 11 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

**AM2358** *(Amendments to Standing Committee amendments, AM434)*

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
3. Section 1. Sections 1 to 6 of this act shall be known and may be
4. cited as the Infrastructure Improvement and Replacement Assistance Act.
5. Sec. 2. (1) The Legislature finds that municipalities and sewer
6. utilities of this state face a need to construct, upgrade, redevelop, and
7. replace sewer infrastructure facilities and to redevelop and replace
8. obsolete sewer facilities. By providing sewer facilities, municipalities
9. and sewer utilities provide the building blocks for economic development,
10. Not only does the investment in infrastructure generate an immediate
11. stream of economic activity, it also lays the groundwork for private
in Nebraska, the Legislature finds that it is fair and equitable to encourage the use of fees for services to finance major infrastructure projects.

2. The Legislature further finds that it is in the public interest to assist municipalities and sewer utilities by establishing a turnback of state sales tax revenue to provide funds to municipalities and sewer utilities to be used to replace and redevelop sewer infrastructure facilities and to redevelop and replace obsolete sewer facilities. In order that this state and its residents may receive long-term economic and fiscal benefits from such facilities, a need exists to provide state assistance to municipalities and sewer utilities endeavoring to construct, acquire, substantially reconstruct, expand, operate, improve, or equip such facilities. It is in the best interest of the state, its municipalities, and its sewer utilities that the state assist municipalities and sewer utilities in financing the construction, acquisition, substantial reconstruction, expansion, operation, improvement, or equipping of sewer infrastructure facilities and to permit municipalities and sewer utilities to reissue bonds secured by amounts received under the Infrastructure Improvement and Replacement Assistance Act and from other sources.

3. For purposes of the Infrastructure Improvement and Replacement Assistance Act:

4. (1) Political subdivision means any local governmental body formed and organized under state law and any joint entity or joint public agency created under the Interlocal Cooperation Act or the Joint Public Agency Act which has statutory authority to issue general obligation bonds; and

5. (2) Sewer utility means any sewer utility operated by a political subdivision.

6. Sec. 4. (1) The state shall assist political subdivisions and sewer utilities by turning back a percentage of certain state sales tax revenue to political subdivisions and sewer utilities as provided in this section.

7. (2) The state shall pay to each political subdivision or sewer utility a percentage of the state sales tax imposed on sewer fees and collected by such political subdivision or sewer utility as follows:

8. (a) For sales taxes imposed from July 1, 2020, through June 30, 2021: 36.36 percent;

9. (b) For sales taxes imposed from July 1, 2021, through June 30, 2023: 54.54 percent; and

10. (c) For sales taxes imposed on and after July 1, 2023: 72.72 percent.

11. (3) Funds received under this section shall be used exclusively to assist in:

12. (a) Paying for infrastructure improvements relating to constructing, upgrading, redeveloping, or replacing sewer infrastructure facilities;

13. (b) Paying for the redevelopment and replacement of obsolete sewer facilities; or

14. (c) Repaying bonds issued and pledged for such work.

15. Sec. 5. (1) The Tax Commissioner shall certify to the State Treasurer, on a quarterly basis, the amount of state sales tax revenue collected by any political subdivision or sewer utility fees and the applicable percentage which the state shall pay pursuant to section 4 of
15 this act.
16 (2) Upon receipt of the quarterly certification, the State Treasurer
17 shall transfer the amount certified from the General Fund to the
18 Infrastructure Improvement and Replacement Assistance Cash Fund. The
19 Infrastructure Improvement and Replacement Assistance Cash Fund is
20 created. Transfers may be made from the fund to the General Fund at the
21 direction of the Legislature. Any money in the Infrastructure Improvement
22 and Replacement Assistance Cash 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 (3) It is the intent of the Legislature to appropriate from the
26 Infrastructure Improvement and Replacement Assistance Cash Fund to any
27 political subdivision or sewer utility an amount equal to the percentage
28 of state sales taxes collected as provided in section 4 of this act;
29 (4) Distributions from the Infrastructure Improvement and
30 Replacement Assistance Cash Fund shall be made based on the certification
31 from the Tax Commissioner under subsection (1) of this section and shall
32 occur within fifteen days after receipt by the State Treasurer of such
33 certification;
34 (5) All payments to political subdivisions or sewer utilities under
35 the Infrastructure Improvement and Replacement Assistance Act are made
36 subject to specific appropriation for such purpose.
37 Sec. 6. The Department of Revenue may adopt and promulgate rules
38 and regulations as necessary to carry out the Infrastructure Improvement
39 and Replacement Assistance Act.
40 Sec. 7. Section 77-2701.16, Revised Statutes Supplement, 2019, is
41 amended to read:
42 77-2701.16 (1) Gross receipts means the total amount of the sale or
43 lease or rental price, as the case may be, of the retail sales of
44 retailers,
45 (2) Gross receipts of every person engaged as a public utility
46 specified in this subsection, as a community antenna television service
47 operator, or as a satellite service operator or any person involved in
48 connecting and installing services defined in subdivision (2)(a), (b), or
49 (d) of this section means:
50 (a)(i) In the furnishing of telephone communication service, other
51 than mobile telecommunications service as described in section
52 77-2703.04, the gross income received from furnishing ancillary services,
53 except for conference bridging services, and intrastate
54 telecommunications services, except for value-added, nonvoice data
55 service.
56 (ii) In the furnishing of mobile telecommunications service as
57 described in section 77-2703.04, the gross income received from
58 furnishing mobile telecommunications service that originates and
59 terminates in the same state to a customer with a place of primary use in
60 Nebraska;
61 (b) In the furnishing of telegraph service, the gross income
62 received from the furnishing of intrastate telegraph services;
63 (c)(i) In the furnishing of gas, sewer, and electricity
64 service, other than electricity service to a customer-generator as
65 defined in section 70-2002, the gross income received from the furnishing
66 of such services upon billings or statements rendered to consumers for
67 such utility services. This subdivision shall not apply to the furnishing
68 of water service, which shall be exempt from sales and use taxes;
69 (ii) In the furnishing of electricity service to a customer-
70 generator as defined in section 70-2002, the net energy use upon billings
71 or statements rendered to customer-generators for such electricity
72 service;
73 (d) In the furnishing of community antenna television service or
74 satellite service, the gross income received from the furnishing of such
13 community antenna television service as regulated under sections 18-2201
14 to 18-2205 or 23-383 to 23-388 or satellite service; and
15 (e) The gross income received from the provision, installation,
16 construction, servicing, or removal of property used in conjunction with
17 the furnishing, installing, or connecting of any public utility services
18 specified in subdivision (2)(a) or (b) of this section or community
19 antenna television service or satellite service specified in subdivision
20 (2)(d) of this section, except when acting as a subcontractor for a
21 public utility; this subdivision does not apply to the gross income
22 received by a contractor electing to be treated as a consumer of building
23 materials under subdivision (2) or (3) of section 77-2701.10 for any such
24 services performed on the customer's side of the utility demarcation
25 point. This subdivision also does not apply to the gross income received
26 by a political subdivision of the state for the lease or use of electric
27 generation, transmission, distribution, or street lighting structures or
28 facilities owned by a political subdivision of the state.
29 (3) Gross receipts of every person engaged in selling, leasing, or
30 otherwise providing intellectual or entertainment property means:
31 (a) In the furnishing of computer software, the gross income
32 received, including the charges for coding, punching, or otherwise
33 producing any computer software and the charges for the tapes, disks,
34 punched cards, or other properties furnished by the seller; and
35 (b) In the furnishing of videotapes, movie film, satellite
36 programming, satellite programming service, and satellite television
37 signal descrambling or decoding devices, the gross income received from
38 the license, franchise, or other method establishing the charge.
39 (4) Gross receipts for providing a service means:
40 (a) The gross income received for building cleaning and maintenance,
41 pest control, and security;
42 (b) The gross income received for motor vehicle washing, waxing,
43 towing, and painting;
44 (c) The gross income received for computer software training;
45 (d) The gross income received for installing and applying tangible
46 personal property if the sale of the property is subject to tax. If any
47 or all of the charge for installation is free to the customer and is paid
48 by a third-party service provider to the installer, any tax due on that
49 part of the activation commission, finder's fee, installation charge, or
50 similar payment made by the third-party service provider shall be paid
51 and remitted by the third-party service provider;
52 (e) The gross income received for services of recreational vehicle
53 parks;
54 (f) The gross income received for labor for repair or maintenance
55 services performed with regard to tangible personal property the sale of
56 which would be subject to sales and use taxes, excluding motor vehicles,
57 except as otherwise provided in section 77-2704.26 or 77-2704.50;
58 (g) The gross income received for animal specialty services except
59 (i) veterinary services, (ii) specialty services performed on livestock
60 as defined in section 54-183, and (iii) animal grooming performed by a
61 licensed veterinarian or a licensed veterinary technician in conjunction
62 with medical treatment; and
63 (h) The gross income received for detective services.
64 (5) Gross receipts includes the sale of admissions. When an
65 admission to an activity or a membership constituting an admission is
66 combined with the solicitation of a contribution, the portion or the
67 amount charged representing the fair market price of the admission shall
68 be considered a retail sale subject to the tax imposed by section
69 77-2703. The organization conducting the activity shall determine the
70 amount properly attributable to the purchase of the privilege, benefit,
71 or other consideration in advance, and such amount shall be clearly
72 indicated on any ticket, receipt, or other evidence issued in connection
73 with the payment.
12 (6) Gross receipts includes the sale of live plants incorporated
13 into real estate except when such incorporation is incidental to the
14 transfer of an improvement upon real estate or the real estate.
15 (7) Gross receipts includes the sale of any building materials
16 annexed to real estate by a person electing to be taxed as a retailer
17 pursuant to subdivision (1) of section 77-2701.10.
18 (8) Gross receipts includes the sale of and recharge of prepaid
19 calling service and prepaid wireless calling service.
20 (9) Gross receipts includes the retail sale of digital audio works,
21 digital audiovisual works, digital codes, and digital books delivered
22 electronically if the products are taxable when delivered on tangible
23 storage media. A sale includes the transfer of a permanent right of use,
24 the transfer of a right of use that terminates on some condition, and the
25 transfer of a right of use conditioned upon the receipt of continued
26 payments.
27 (10) Gross receipts includes any receipts from sales of tangible
28 personal property made over a multivendor marketplace platform that acts
29 as the intermediary by facilitating sales between a seller and the
30 purchaser and that, either directly or indirectly through agreements or
31 arrangements with third parties, collects payment from the purchaser and
1 transmits payment to the seller:
2 (11) Gross receipts does not include:
3 (a) The amount of any rebate granted by a motor vehicle or motorboat
4 manufacturer or dealer at the time of sale of the motor vehicle or
5 motorboat, which rebate functions as a discount from the sales price of
6 the motor vehicle or motorboat; or
7 (b) The price of property or services returned or rejected by
8 customers when the full sales price is refunded either in cash or credit.
9 Sec. 8. This act becomes operative on July 1, 2020.
10 Sec. 9. Original section 77-2701.16, Revised Statutes Supplement,
11 2019, is repealed.
12 Sec. 10. Since an emergency exists, this act takes effect when
13 passed and approved according to law.

SENATOR HILGERS PRESIDING
SENATOR WILLIAMS PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 310. Placed on Final Reading.
LEGISLATIVE BILL 310A. Placed on Final Reading.

LEGISLATIVE BILL 734. Placed on Final Reading.
ST42
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 2, “53-116.01,” has been inserted after the first comma; and line 4 and all
amendments thereto have been struck and “provide for the regulation of charter bus services
and the licensure of special party buses; to provide for” inserted.

LEGISLATIVE BILL 734A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
ANNOUNCEMENT(S)

Priority designation(s) received:

Gragert - LB770

NOTICE OF COMMITTEE HEARING(S)

Executive Board
Room 1507

Tuesday, February 18, 2020 12:00 p.m.
LB1035
LR280CA

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1054. Title read. Considered.

SENATOR HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 267. Committee AM1245, found on page 1258, First Session, 2019, and considered on pages 491 and 501, was renewed.

Senator La Grone renewed his amendment, AM2265, found on page 502, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 944. Placed on General File with amendment. AM2307 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Natural Resources

LEGISLATIVE BILL 770. Placed on General File.

LEGISLATIVE RESOLUTION 288. Reported to the Legislature for further consideration.

(Signed) Dan Hughes, 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.

Douglas Anderson - Environmental Quality Council

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.

Sherry Vinton - Nebraska Environmental Trust Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board
Room 1507

Thursday, February 20, 2020 12:00 p.m.
LB1085
LB1191

Tuesday, February 25, 2020 12:00 p.m.
LB937
LB1197

Thursday, February 27, 2020 12:00 p.m.
LR282
LR297

(Signed) Mike Hilgers, Chairperson
Tuesday, February 18, 2020 1:30 p.m.
Stephan Budke - Nebraska Motor Vehicle Industry Licensing Board
Dennis Cloninger - Nebraska Motor Vehicle Industry Licensing Board
Brad Jacobs - Nebraska Motor Vehicle Industry Licensing Board
Clint Jones - Nebraska Motor Vehicle Industry Licensing Board
Joseph Kosiski - Nebraska Motor Vehicle Industry Licensing Board
Thomas R. McCaslin - Nebraska Motor Vehicle Industry Licensing Board
Matthew O'Daniel - Nebraska Motor Vehicle Industry Licensing Board
Curt Prohaska - Nebraska Motor Vehicle Industry Licensing Board
Dennis R. Schworer - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Walz name added to LB153.
Senator Blood name added to LB518.
Senator Hunt name added to LB770.
Senator Kolowski name added to LB840.
Senator Quick name added to LB962.
Senator Blood name added to LB963.

VISITOR(S)

Visitors to the Chamber were a group of Presidents and Student Organization Officers of Nebraska Career and Technical Organizations from across the state.

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

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-SECOND DAY - FEBRUARY 11, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 2020

PRAYER

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

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 Senator
Pansing Brooks who was excused; and Senators Bolz, M. Hansen, Morfeld,
Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Crawford - LB1061

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 19, 2020 1:30 p.m.
LB758
LB848
LB1015
AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB752:

AM2353

1. Strike the original sections and insert the following new
2 section:
3 Section 1. The Department of Health and Human Services and
4 Department of Veterans' Affairs shall work jointly to encourage service
5 providers in their respective departments and in other state and local
6 agencies and departments to ask the question "Have you or a family member
7 ever served in the military?". The question should be included in intake
8 forms and interviews where appropriate, including, but not limited to, at
9 hospitals, mental health care centers, senior centers, employment
10 offices, courts, and schools and in encounters with law enforcement.

ANNOUNCEMENT

The Chair announced the birthday of Senator M. Hansen.

GENERAL FILE

LEGISLATIVE BILL 944. Title read. Considered.

Committee AM2307, found on page 568, was adopted with 42 ayes, 0 nays,
3 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 205. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM1436, found on page 1289, First Session, 2019, was offered.

SENATOR HILGERS PRESIDING
SENIOR LINDSTROM PRESIDING

Senator Kolterman moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 22:

Bolz       Hansen, M.       Kolterman       Scheer       Williams
Cavanaugh  Hilkemann       Lathrop       Slama        Wishart
Chambers   Howard           Lindstrom      Vargas
Dorn       Hunt             McCollister    Walz
Geist      Kolowski        Quick          Wayne

Voting in the negative, 12:

Albrecht   Clements         Hansen, B.     McDonnell
Arch       Groene          La Grone       Moser
Brewer     Halloran        Lowe           Murman

Present and not voting, 11:

Blood      Briese           Erdman         Hilgers
Bostelman  Crawford        Friesen         Hughes
Brandt     DeBoer           Gragert

Excused and not voting, 4:

Linehan    Morfeld          Pansing        Brooks    Stinner

The committee amendment lost with 22 ayes, 12 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Failed to advance to Enrollment and Review Initial with 15 ayes, 12 nays, 18 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 909. Placed on General File with amendment.

AM2312 is available in the Bill Room.

(Signed) Matt Williams, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 387. Placed on Final Reading.

LEGISLATIVE BILL 518. Placed on Final Reading.
ST43
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Blood amendment, AM2327, on page 1, lines 6 and 11, the last underscored periods have been struck and underscored semicolons inserted.
2. On page 1, line 1, "health and human services" has been struck and "government" inserted; and in line 3 "to provide duties regarding federal immigration forms relating to victims of certain crimes;" has been inserted after the semicolon.

LEGISLATIVE BILL 540. Placed on Final Reading.
LEGISLATIVE BILL 541. Placed on Final Reading.
LEGISLATIVE BILL 643. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)
Priority designation(s) received:
Banking, Commerce and Insurance - LB909

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Tuesday, February 18, 2020 1:30 p.m.
Timothy Daniels - Coordinating Commission for Postsecondary Education
Charles Garman - Coordinating Commission for Postsecondary Education
Cindy Gray - Technical Advisory Committee for Statewide Assessment
Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment
LB1001
LB1039
LR306

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to LB926:
AM2268
1 1. On page 2, line 21, strike "Any", show as stricken, and insert "A
2 contractor who is assessed an administrative penalty for a violation of
3 the Employee Classification Act shall pay such administrative penalty no
4 later than ten days after the date the penalty becomes final and not
5 subject to further appeal. A", strike beginning with "citation" in line
6 21 through "Act" in line 22, show the old matter as stricken, and insert
7 "administrative penalty in violation of this subsection"; and in line 24
8 strike "citation" and insert "administrative penalty".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Yi, Rui - Stem Cell Research Advisory Committee - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 329. Title read. Considered.

Committee AM1183, found on page 1295, First Session, 2019, was offered.

Senator Howard offered her amendment, AM2186, found on page 478, to the committee amendment.

The Howard amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

Senator Bolz moved for a call of the house. The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 607. Title read. Considered.

Committee AM1462, found on page 1297, First Session, 2019, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 607A. Title read. Considered.

Senator Kolterman offered his amendment, AM2165, found on page 480.
The Koltermann amendment was adopted with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL  929. Placed on General File.
LEGISLATIVE BILL  1014. Placed on General File.
LEGISLATIVE BILL  1123. Placed on General File.

LEGISLATIVE BILL  760. Placed on General File with amendment.

AM2232
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 44-7,107, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 44-7,107  (1) For purposes of this section:
6 (a) Asynchronous review means the acquisition and storage of medical
7 information at one site that is then forwarded to or retrieved by a
8 health care provider at another site for medical evaluation;
9 (b) Dermatologist means a board-certified physician who is trained
10 to evaluate and treat individuals with benign and malignant disorders of
11 the skin, hair, nails, and adjacent mucous membranes with a
12 specialization in the diagnosis and treatment of skin cancers, melanomas,
13 moles, and other tumors of the skin along with surgical techniques used
14 in dermatology and interpretation of skin biopsies; and
15 (c) Telehealth has the same meaning as in section 44-312.
16 (2) Any insurer offering (a) (4) any individual or group sickness
17 and accident insurance policy, certificate, or subscriber contract
18 delivered, issued for delivery, or renewed in this state, (b) (2) any
19 hospital, medical, or surgical expense-incurred policy, or (c) (4) any
20 self-funded employee benefit plan to the extent not preempted by federal
21 law, shall not exclude, in any policy, certificate, contract, or plan
22 offered or renewed on or after August 24, 2017, a service from coverage
23 solely because the service is delivered through telehealth as defined in
24 section 44-312 and is not provided through in-person consultation or
25 contact between a licensed health care provider and a patient.
26 (3)(a) Any insurer offering any policy, certificate, contract, or
27 plan described in subsection (2) of this section for which coverage of
1 benefits begins on or after January 1, 2021, shall not exclude from
2 coverage telehealth services provided by a dermatologist solely because
3 the service is delivered asynchronously;
4 (b) An insurer shall reimburse a health care provider for
5 asynchronous review by a dermatologist delivered through telehealth at a
6 rate negotiated between the provider and the insurer.
7 (c) It is not a violation of this subsection for an insurer to
8 include a deductible, copayment, or coinsurance requirement for a health
9 care service provided through telehealth if such costs do not exceed
10 those included for the same services provided through in-person contact.
11 (d) Nothing in this section shall be construed to require an insurer
12 to provide coverage for services that are not medically necessary;
13 (2) This section does not apply to any policy, certificate,
14 contract, or plan that provides coverage for a specified disease or other
15 limited-benefit coverage.
16 Sec. 2. Original section 44-7,107, Revised Statutes Cumulative
17 Supplement, 2018, is repealed.

(Signed) Matt Williams, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB770.
Senator Gragert name added to LB911.

VISITOR(S)

Visitors to the Chamber were students from the Wayne Leadership Class, Wayne State College, and Wayne High School; Ruthie Ostergard from Gothenburg; and members of Leadership Sarpy County.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-THIRD DAY - FEBRUARY 12, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 2020

PRAYER

The prayer was offered by Reverend Owen Derrick, First Presbyterian Church, Tekamah.

PRESENTATION OF COLORS

Presentation of Colors 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., President Foley presiding.

The roll was called and all members were present except Senators Briese, Lindstrom, and Wayne who were excused; and Senators Arch, Friesen, M. Hansen, Howard, Linehan, Lowe, Morfeld, Slama, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Halloran - LB344
Brandt - LB996
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 19, 2020 1:30 p.m.
Robert J. Feit - Commission for the Deaf and Hard of Hearing
Candice Arteaga - Commission for the Deaf and Hard of Hearing
Jonathan Scherling - Commission for the Deaf and Hard of Hearing
LB1105
LB1184
LB1158
LB1204

Thursday, February 20, 2020 1:30 p.m.
Michael Bailey - Board of Emergency Medical Services
LB1037
LB1038
LB783
LB1011
LB1043
LB1104

Friday, February 21, 2020 1:00 p.m.
Michael Allen Christopher Greene - Nebraska Rural Health Advisory Commission
Michael Sheridan - Board of Emergency Medical Services
LB1185
LB837
LB1049
LB917

(Signed) Sara Howard, Chairperson
Natural Resources
Room 1525

Wednesday, February 19, 2020 1:30 p.m.
Elizabeth A. Hilyard - Nebraska Power Review Board
John Arley Rundel - Nebraska Oil and Gas Conservation Commission
Timothy L. Else - Nebraska Ethanol Board
LB1071
LB1132

(Signed) Dan Hughes, Chairperson
Senator Hughes filed the following amendment to LB126:

AMENDMENT(S) - Print in Journal

(AMENDMENTS TO E&R AMENDMENTS, ER160)

1 1. On page 3, strike lines 18 through 31 and insert the following
2 new subsection:
3 "(d)(a) In addition to any limited permit to hunt deer issued to a
4 qualifying landowner under subsection (3) of this section, the commission
5 shall issue up to four limited permits to hunt deer during the three days
6 of Saturday through Monday immediately preceding the opening day of
7 firearm deer hunting season to any qualifying landowner meeting the
8 requirements of subdivision (b) of this subsection and designated members
9 of his or her immediate family. The fee for each permit issued under this
10 subsection shall be five dollars. Permits shall be issued subject to the
11 following:
12 (i) No more than four permits may be issued per qualifying landowner
13 to the landowner or designated members of his or her immediate family;
14 except that no more than one permit shall be issued per person for the
15 qualifying landowner or any designated member of his or her immediate
16 family;
17 (ii) Of the four permits that may be issued, no more than two
18 permits may be issued to persons who are younger than nineteen years of
19 age and no more than two permits may be issued to persons who are
20 nineteen years of age or older; and
21 (iii) For a Nebraska resident landowner, the number of permits
22 issued shall not exceed the total acreage of the farm or ranch divided by
23 eighty, and for a nonresident landowner, the number of permits issued
24 shall not exceed the total acreage of the farm or ranch divided by three
25 hundred twenty.
26 (b) For purposes of this subsection, the qualifying criteria for a
27 Nebraska resident described in subdivisions (3)(a)(i) and (ii) of this
28 section and the ownership criteria for a nonresident of Nebraska
29 described in subdivision (3)(b) of this section apply;
30 (c) The commission may adopt and promulgate rules and regulations to
31 carry out this subsection.
.
2. On page 4, strike lines 1 through 4.

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.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR308 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR308.
ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 12, 2020, summarizing the recommended appropriations for the following biennium.

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 569:

Nebraska Environmental Trust Board
Sherry Vinton

Voting in the affirmative, 33:

Albrecht  Chambers  Groene  Kolterman  Pansing Brooks
Blood  Crawford  Halloran  La Grone  Stinner
Bolz  DeBoer  Hansen, B.  Lathrop  Vargas
Bostelman  Dorn  Hilgers  McCollister  Williams
Brandt  Erdman  Hilkemann  McDonnell  Wishart
Brewer  Geist  Hunt  Moser
Cavanaugh  Gragert  Kolowski  Murman

Voting in the negative, 0.

Present and not voting, 4:

Clements  Hughes  Quick  Scheer

Excused and not voting, 12:

Arch  Hansen, M.  Linehan  Slama
Briese  Howard  Lowe  Walz
Friesen  Lindstrom  Morfeld  Wayne

The appointment was confirmed with 33 ayes, 0 nays, 4 present and not voting, and 12 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 569:

Environmental Quality Council
Douglas Anderson

Voting in the affirmative, 38:
Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 10:

Arch   Friesen   Howard   Lowe   Slama  
Briese Hansen, M. Lindstrom Morfeld Wayne

The appointment was confirmed with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 924. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, and 6 excused and not voting.

LEGISLATIVE BILL 770. 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 106. 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 219. Title read. Considered.

Committee AM1472, found on page 1313, First Session, 2019, 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 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 998. Placed on General File with amendment.

AM2214

1. Strike original sections 7 and 8.
2. On page 4, line 22, strike "June 30" and insert "August 1".
3. On page 8, line 5, strike "2024-25" and insert "2023-24"; and in line 13 strike "offer" and insert "ensure that" and after "training" insert "is offered".
4. On page 9, line 26, strike "such recommendation involves"; and in line 27 after "services" insert "is involved".
5. On page 10, line 30; and page 11, line 30, strike "(6)" and insert "(7)".
6. On line 6, strike "The" and insert "Except as otherwise provided in subsection (6) of this section, the"; in line 26 strike "December 1" and insert "August 10"; and after line 29 insert the following new subsection:
7. For any school fiscal year when the amount available for distribution in the Behavioral Training Cash Fund on August 10 immediately preceding such school fiscal year is less than the total of the base training reimbursements for all schools as calculated pursuant to subsection (3) of this section, the base training reimbursements shall be reduced proportionally such that the total of the base training reimbursements for all schools equals the amount available for distribution. Payment shall not be made for any additional training reimbursement units pursuant to subsections (4) and (5) of this section for such school fiscal year.
8. On page 12, strike lines 5 through 13 and insert the following new subsections:
9. "(8) The department shall not include behavioral training funding in the calculation of formula resources pursuant to section 79-1017.01.
10. Behavioral training funding shall be distributed directly to school districts from the Behavioral Training Cash Fund in the same manner as and in conjunction with funds distributed pursuant to section 79-1022.4.
11. On page 15, line 31, after the first comma and after "79-2,144," insert "and" and strike "and 79-1007.11,".
12. On page 16, strike beginning with "and" in line 1 through the second comma in line 2.
13. Renumber the remaining section accordingly.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB58: AM2367 is available in the Bill Room.
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 19, 2020 1:30 p.m.
LB1202
LB1087
LB1075
LB1106
LB1107

(Signed)  Lou Ann Linehan, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 518A. 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 518, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 312. Introduced by Lathrop, 12.

WHEREAS, Tyler Richards, a member of Troop 282 of Millard, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. An Eagle Scout must have earned 21 merit badges, 13 of which are in required areas, demonstrated Scout Spirit and leadership within their troop, and completed an approved community service project; and

WHEREAS, Tyler displayed his commitment to community service by raising twenty thousand dollars to design and install a Tribute to First Responders to honor the heroic service of first responders in our communities, located in his hometown of Ralston; and

WHEREAS, Tyler, 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, SECOND SESSION:
1. That the Legislature congratulates Tyler Richards on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Tyler Richards.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 448. Title read. Considered.

Committee AM935, found on page 1527, First Session, 2019, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Committee AM1673, found on page 1625, First Session, 2019, was adopted with 35 ayes, 0 nays, 8 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.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 920. Placed on General File with amendment. AM2388 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1054. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB929:

AM2267

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-885.04, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 81-885.04 Except as to the requirements with respect to the
6 subdivision of land, the Nebraska Real Estate License Act shall not apply
7 to:
8 (1) Any person, partnership, limited liability company, or
9 corporation who as owner or lessor shall perform any of the acts
10 described in subdivision (2) of section 81-885.01 with reference to
11 property owned or leased by him, her, or it or to the regular employees
12 thereof, with respect to the property so owned or leased, when such acts
13 are performed in the regular course of or as an incident to the
14 management, sale, or other disposition of such property and the
15 investment therein, except that such regular employees shall not perform
16 any of the acts described in such subdivision in connection with a
17 vocation of selling or leasing any real estate or the improvements
18 thereon;
19 (2) An attorney in fact under a duly executed power of attorney to
20 convey real estate from the owner or lessor or the services rendered by
21 any attorney at law in the performance of his or her duty as such
22 attorney at law;
23 (3) Any person acting as receiver, trustee in bankruptcy, personal
24 representative, conservator, or guardian or while acting under a court
25 order or under the authority of a will or of a trust instrument or as a
26 witness in any judicial proceeding or other proceeding conducted by the
27 state or any governmental subdivision or agency;
1 (4) Any person acting as the resident manager of an apartment
2 building, duplex, apartment complex, or court, when such resident manager
3 resides on the premises and is engaged in the leasing of property in
4 connection with his or her employment, or any employee, parent, child,
5 brother, or sister of the owner or any employee of a licensed broker who
6 manages rental property for the owner of such property;
7 (5) Any officer or employee of a federal agency in the conduct of
8 his or her official duties;
9 (6) Any officer or employee of the state government or any political
10 subdivision thereof performing his or her official duties for real estate
11 tax purposes or performing his or her official duties related to the
12 acquisition of any interest in real property when the interest is being
13 acquired for a public purpose;
14 (7) Any person or any employee thereof who renders an estimate or
15 opinion of value of real estate or any interest therein when such
16 estimate or opinion of value is for the purpose of real estate taxation;
17 or
18 (8) Any person who, for himself or herself or for others, purchases
19 or sells oil, gas, or mineral leases or performs any activities related
20 to the purchase or sale of such leases; or -
21 (9) Any person not required to be licensed under the act who
22 provides a list or lists of potential purchasers to a broker or
23 salesperson or who makes calls or facilitates the initial contact between
24 a potential client or customer as defined in sections 76-2407 and
25 76-2409, respectively, and a broker or salesperson. The unlicensed person
26 may only provide information regarding the broker or salesperson and the
27 broker's or salesperson's services in written information created by the
28 broker or salesperson that identifies the broker or salesperson and the
29 broker's or salesperson's place of business and which is sent by email,
30 United States mail, or by link to a web site created by the broker or
31 salesperson. The unlicensed person is not permitted to discuss with such
1 potential client or customer the services offered or to be offered by the
2 broker or salesperson. The unlicensed person acting under this exemption
3 may not discuss with such potential client or customer the client's or
4 customer's motivation, motivating factors, or price such potential client
5 or customer is willing to offer or accept. The unlicensed person does not
6 have the authority and shall not purport to have the authority to
7 obligate any such potential client or customer to work with a particular
broker or salesperson or particular broker's or salesperson's place of business. The unlicensed person shall, at the beginning of any contact with such potential client or customer, identify who the unlicensed person is, the name of the entity that employs the unlicensed person, the name of the broker or salesperson, and the name of the broker's or salesperson's real estate business on whose behalf the contact is being made. The unlicensed person shall not perform any other activity of a broker or salesperson described in section 81-885.01, except those acts specifically provided for in this subdivision.

Sec. 2. Section 81-885.24, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-885.24 The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any broker, associate broker, salesperson, or subdivider, may censure the licensee or certificate holder, revoke or suspend any license or certificate issued under the Nebraska Real Estate License Act, or enter into consent orders, and, alone or in combination with such disciplinary actions, may impose a civil fine on a licensee pursuant to section 81-885.10, whenever the license or certificate has been obtained by false representation or the licensee or certificate holder has been found guilty of any of the following unfair trade practices:

1. Refusing because of religion, race, color, national origin, ethnic group, sex, familial status, or disability to show, sell, or rent any real estate for sale or rent to prospective purchasers or renters;
2. Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted;
3. Failing to account for and remit any money coming into his or her possession belonging to others;
4. Using the money or other property of his or her principals with his or her own;
5. Failing to maintain and deposit in a separate trust account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;
6. Accepting, giving, or charging any form of undisclosed compensation, consideration, rebate, or direct profit on expenditures made for a principal;
7. Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;
8. Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;
9. Acting in the dual capacity of agent and undisclosed principal in any transaction;
10. Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;
11. Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;
12. Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent;
13. Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;
14. Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property
6 granting an exclusive agency or an exclusive right to sell to another
7 broker or negotiating directly with an owner to withdraw from or break
8 such a listing contract for the purpose of substituting, in lieu thereof,
9 a new listing contract;
10 (15) Discussing or soliciting a discussion of, with an owner of a
11 property which is exclusively listed with another broker, the terms upon
12 which the broker would accept a future listing upon the expiration of the
13 present listing unless the owner initiates the discussion;
14 (16) Violating any provision of sections 76-2401 to 76-2430;
15 (17) Soliciting, selling, or offering for sale real estate by
16 offering free lots or conducting lotteries for the purpose of influencing
17 a purchaser or prospective purchaser of real estate;
18 (18) Providing any form of compensation or consideration to any
19 person for performing the services of a broker, associate broker, or
20 a person who has not first secured his or her license under the
21 Nebraska Real Estate License Act unless such person is (a) a nonresident
22 who is licensed in his or her resident regulatory jurisdiction or (b) a
23 citizen and resident of a foreign country which does not license persons
24 conducting the activities of a broker and such person provides reasonable
25 written evidence to the Nebraska broker that he or she is a resident;
26 citizen of that foreign country, is not a resident of this country, and
27 conducts the activities of a broker in that foreign country;
28 (19) Failing to include a fixed date of expiration in any written
29 listing agreement and failing to leave a copy of the agreement with the
30 principal;
31 (20) Failing to deliver within a reasonable time a completed and
32 dated copy of any purchase agreement or offer to buy or sell real estate
33 to the purchaser and to the seller;
34 (21) Failing by a broker to deliver to the seller in every real
35 estate transaction, at the time the transaction is consummated, a
36 complete, detailed closing statement showing all of the receipts and
37 disbursements handled by such broker for the seller, failing to deliver
38 to the buyer a complete statement showing all money received in the
39 transaction from such buyer and how and for what the same was disbursed,
40 and failing to retain true copies of such statements in his or her files;
41 (22) Making any substantial misrepresentations;
42 (23) Acting for more than one party in a transaction without the
43 knowledge of all parties for whom he or she acts;
44 (24) Failing by an associate broker or salesperson to place, as soon
45 after receipt as practicable, in the custody of his or her employing
46 broker any deposit money or other money or funds entrusted to him or her
47 by any person dealing with him or her as the representative of his or her
48 licensed broker;
49 (25) Filing a listing contract or any document or instrument
50 purporting to create a lien based on a listing contract for the purpose
51 of casting a cloud upon the title to real estate when no valid claim
52 under the listing contract exists;
53 (26) Violating any rule or regulation adopted and promulgated by the
54 commission in the interest of the public and consistent with the Nebraska
55 Real Estate License Act;
56 (27) Failing by a subdivider, after the original certificate has
57 been issued, to comply with all of the requirements of the Nebraska Real
58 Estate License Act;
59 (28) Conviction of a felony or entering a plea of guilty or nolo
60 contendere to a felony charge by a broker or salesperson;
61 (29) Demonstrating negligence, incompetency, or unworthiness to act
62 as a broker, associate broker, or salesperson, whether of the same or of
63 a different character as otherwise specified in this section;
64 (30) Inducing or attempting to induce a person to transfer an
65 interest in real property, whether or not for monetary gain, or
4 discouraging another person from purchasing real property, by
5 representing that (a) a change has occurred or will or may occur in the
6 composition with respect to religion, race, color, national origin,
7 ethnic group, sex, familial status, or disability of the owners or
8 occupants in the block, neighborhood, or area or (b) such change will or
9 may result in the lowering of property values, an increase in criminal or
10 antisocial behavior, or a decline in the quality of schools in the block,
11 neighborhood, or area;
12 (31) Failing by a team leader to provide a current list of all team
13 members to his or her designated broker;
14 (32) Failing by a designated broker to maintain a record of all team
15 leaders and team members working under him or her;
16 (33) Utilizing advertising which does not prominently display the
17 name under which the designated broker does business as filed with the
18 commission;
19 (34) Utilizing team advertising or a team name suggesting the team
20 is an independent real estate brokerage;
21 (35) Charging or collecting, as part or all of his or her
22 compensation or consideration, any part of the earnest money or other
23 money paid to him or her or the entity under which he or she does
24 business in connection with any real estate transaction until the
25 transaction has been consummated or terminated. However, a payment for
26 goods or services rendered by a third party on behalf of the client shall
27 not be considered compensation or consideration if such payment does not
28 include any profit, compensation, or payment for services rendered by the
29 broker and the broker retains a record of the payment to the third party
30 for such goods or services; or
31 (36) Failing to provide a copy of section 81-885.04 or written
instructions explaining the provisions of the exemption from licensure as
set forth in subdivision (9) of section 81-885.04 to any unlicensed
person who assists in procuring a potential client or customer as defined
in sections 76-2407 and 76-2409, respectively, for the purpose of the
listing, sale, purchase, exchange, renting, leasing, or optioning of any
real estate.
7 Sec. 3. Original section 81-885.04, Reissue Revised Statutes of
8 Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement,
9 2018, are repealed.

Senator Stinner filed the following amendment to LB817:
AM2416
1 1. Insert the following new sections:
2 Sec. 10. Collaborative practice agreement means a written agreement
3 between a prescribing psychologist with a prescription certificate and a
4 licensed physician that meets the requirements of section 18 of this act.
5 Sec. 18. (1) A collaborative practice agreement shall establish
6 clinical protocols and practice guidelines relevant to the scope of
7 practice of the prescribing psychologist with a prescription certificate
8 and not the autonomous practice of psychology. The practice guidelines
9 may include limitations on the prescribing of psychotropic medication by
10 a prescribing psychologist with a prescription certificate and protocols
11 for prescribing to special populations;
12 (2) The department, in consultation with the board and the advisory
13 committee, shall adopt and promulgate rules and regulations to establish
14 criteria for (a) practice guidelines to be included in collaborative
15 practice agreements and (b) protocols for prescribing medication for
16 special populations.
17 2. On page 14, line 5, strike "39" and insert "41"; and in line 8
18 strike "16" and insert "12".
19 3. On page 22, after line 8 insert the following new paragraph:
20 "It shall be a condition of practice under a prescription
certificate that the prescribing psychologist is a party to a collaborative practice agreement."

4. Renumber the remaining sections and correct internal references accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Brewer, 43; Arch, 14; Bostelman, 23; Clements, 2; Gragert, 40; Kolowski, 31.

WHEREAS, the American Legion was founded in Paris on March 15, 1919, as a patriotic veterans organization devoted to mutual helpfulness; and
WHEREAS, the American Legion is chartered and incorporated by Congress, operating departments in all 50 states, the District of Columbia, Puerto Rico, France, Mexico, and the Philippines; and
WHEREAS, the American Legion was instrumental to the passage of the Servicemen's Readjustment Act of 1944, otherwise known as the "GI Bill"; and
WHEREAS, the Nebraska American Legion has over 31,000 members in 355 posts statewide; and
WHEREAS, the Nebraska American Legion supports youth through programs including Boys State, County Government Day, Legion Baseball, and Oratorical Contests, and recognizes civil servants through awards like Teacher of the Year, Firefighter/EMS of the Year, and Law Enforcement Officer of the Year; and
WHEREAS, the American Legion has been a stalwart advocate for the well-being of Nebraskan veterans; and
WHEREAS, the American Legion will continue to be an institution across Nebraska and in other American communities for years to come; and
WHEREAS, March 15, 2020, marks the 101st anniversary of the founding of the American Legion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the American Legion on its 101st anniversary.
2. That copies of this resolution be sent to the American Legion Posts of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1015.
Senator Brewer name added to LB1015.
VISITOR(S)

Visitors to the Chamber were Hannah Mayo and Savannah Leseberg from Wayne and Ashley Marquez from Wakefield; a group from the Nebraska Early Childhood Policy Leadership Academy from across the state; Ginna Claussen from Lincoln; and members of the League of Women Voters from across the state.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 10:41 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FOURTH DAY - FEBRUARY 13, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 2020

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., Senator Hughes presiding.

The roll was called and all members were present except Senator Bolz who was excused; and Senators B. Hansen, Hunt, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Select File with amendment.

ER168
1. On page 1, strike beginning with "the" in line 1 through line 17
2 and insert "transportation; to amend sections 18-1214, 38-129, 60-142.01, 3 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03, 4 75-386, 75-398, and 75-399; Reissue Revised Statutes of Nebraska, 5 sections 4-111, 60-192, 60-3,205, 60-484.04, 60-484.05, 60-4,113, 6 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356, 7 Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 8 60-119.01, 60-144, 60-302.01, 60-336.01, 60-386, 60-395, 60-3,113.04, 9 60-3,193.01, 60-3,198, 60-3,238, 60-3,240, 60-3,242, 60-462.01, 10 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182, 11 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363, 12 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to 13 change provisions relating to the federal REAL ID Act of 2005 and certain 14 motor vehicle fees imposed by cities and villages; to update certain 15 federal references; to change provisions relating to a certificate of 16 title for a junked vehicle and odometer statements; to provide for a
17 refund or credit of fees for a loss of possession due to natural disaster; to update a reference to the International Registration Plan; to eliminate provisions relating to certain replacement permanent plates; to authorize temporary license stickers as prescribed; to provide for electronic delivery of an operator's license or state identification card and for a remote knowledge inquiry; to change provisions relating to restrictions to a commercial driver's license and a commercial learner's permit, lifetime disqualifications from operating a commercial motor vehicle, the point system for traffic violations, and vehicle length and weight limits; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle as prescribed; to change provisions relating to the International Fuel Tax Agreement Act; to define and redefine terms; to change certain civil penalties; to change provisions relating to the unified carrier registration plan and agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 329. Placed on Select File with amendment.

ER165

1. On page 1, strike beginning with "child" in line 1 through line 5 and insert "social services; to amend section 68-1206, Revised Statutes Supplement, 2019; to change the eligibility level for transitional child care assistance under the federal Child Care Subsidy program; and to repeal the original section."

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 12, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 4, 4A, 30, 68, 76, 93, 107, 148, 230, 236, 582, 731, 740, 741, and 880 were received in my office on February 6, 2020. These bills were signed and delivered to the Secretary of State on February 12, 2020.

Sincerely,

(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 996. Placed on General File.
LEGISLATIVE BILL 961. Placed on General File with amendment.

AM2324

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

2. Section 1. Sections 1 to 15 of this act shall be known and may be cited as the Peer-to-Peer Vehicle Sharing Program Act;

3. Section 2. For purposes of the Peer-to-Peer Vehicle Sharing Program Act, unless the context otherwise requires:

4. (1) Agreement means an agreement established through a peer-to-peer vehicle sharing program that serves as a contract between a program, an owner, and a driver and describes the specific terms and conditions of the agreement that govern the use of a vehicle through such program, including the sharing period and location or locations for transfer of control of vehicle. Agreement does not mean a rental agreement as defined in section 44-4067;

5. (2) Delivery period means the period of time during which a vehicle is being delivered to the location at which the start time begins, if applicable, as documented by the agreement;

6. (3) Driver means an individual who has been authorized to drive a vehicle by an owner under an agreement;

7. (4) Owner means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing through a peer-to-peer vehicle sharing program;

8. (5) Peer-to-peer vehicle sharing program or program means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. A program is not a transportation network company as defined in section 75-323 or a rental car company as defined in section 44-4067;

9. (6) Sharing means the authorized use of a vehicle by an individual other than an owner through a peer-to-peer vehicle sharing program;

10. (7) Sharing period means the period of time that commences with the start time and, in either case, ends at the termination time;

11. (8) Start time means the time when a vehicle becomes subject to the control of a driver at or after the time the reservation is scheduled to begin as documented in the records of a program;

12. (9) Termination time means the earliest of the following events:

13. (a) The expiration of the agreed period of time established for the use of a vehicle according to the terms of the agreement, if the vehicle is delivered to the location agreed upon in the agreement;

14. (b) When a vehicle is returned to a location as alternatively agreed upon by the owner and driver as communicated through the peer-to-peer vehicle sharing program; or

15. (c) When an owner, or his or her authorized designee, takes possession and control of a vehicle; and

16. (d) Vehicle means a personal motor vehicle that is available for use through a peer-to-peer vehicle sharing program. Vehicle does not mean a rental vehicle as defined in section 44-4067;

17. Section 3. (1) Notwithstanding any other provision of law or any provision in an owner's policy of motor vehicle liability insurance, in the event of a loss or injury that occurs during a sharing period, a program shall:

18. (a) Except as provided in subsection (2) of this section, assume the liability of the owner for bodily injury or property damage to third parties, uninsured and underinsured motorist benefits, and personal injury protection losses during the sharing period in an amount stated in the agreement, and which amount may not be less than that set forth in section 60-310; and

19. (b) Retain such liability regardless of a lapse in, or otherwise absence of, any coverage under which a program is insured.
(2) Notwithstanding the definition of termination time, a program shall not be liable when an owner:

(a) Makes a material, intentional, or fraudulent misrepresentation, or a material, intentional, or fraudulent omission to a program before the sharing period in which the loss occurred; or

(b) Acts in concert with a driver who fails to return a vehicle pursuant to the terms of an agreement.

Sec. 4. (1) A program shall ensure that, during each sharing period, financial responsibility for a vehicle is provided in amounts no less than the minimum amounts set forth in section 66-310 that:

(a) Recognizes that the vehicle is made available and used through the program; or

(b) Does not exclude use of the vehicle by a driver through the program.

(2) The financial responsibility required under subsection (1) of this section may be satisfied by motor vehicle liability insurance or other acceptable means of demonstrating financial responsibility in this state, voluntarily maintained by:

(a) The owner;

(b) The driver;

(c) The program; or

(d) Any combination of owner, driver, and program.

(3) The financial responsibility required in subsection (1) of this section and satisfied pursuant to subsection (2) of this section shall be the primary responsibility for losses during the sharing period.

(4) A program shall:

(a) Assume primary financial responsibility for a claim when it is made available or used in whole or in part providing the financial responsibility required under section 3 of this act if:

(i) A dispute exists as to who was in control of the vehicle at the time of the loss; and

(ii) The program does not have available, did not retain, or fails to provide the information required by section 7 of this act; and

(b) Be indemnified by the owner's personal policy of motor vehicle liability insurance to the extent of such policy's obligation, if any, if it is determined that the owner was in control of the vehicle at the time of the loss.

(5) If insurance maintained by the owner or the driver in accordance with subsection (2) of this section has lapsed or does not provide the required financial responsibility, the program or its insurer shall provide the coverage required by subsection (1) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of section 3 of this act.

(6) Financial responsibility maintained by the program shall not be dependent on another automobile insurer first denying a claim, nor shall another automobile insurance policy be required to first deny a claim.

(7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act shall limit the liability of a program for any act or omission of the program itself that results in injury to any person as a result of the use of a vehicle through the program; or

(b) Limits the ability of a program, by contract, to seek indemnification from an owner or a driver for economic loss sustained by the program resulting from a breach of the terms and conditions of an agreement.

Sec. 5. At the time an owner registers a vehicle for use through the program and again prior to the time such owner makes such vehicle available for use through such program, the program shall notify the owner that if the vehicle has a lien against it, the use of the vehicle through the program, including use without physical damage coverage, may
30 violate the terms of the contract with the lienholder.
31 Sec. 6. (1) An authorized insurer that writes motor vehicle
1 liability insurance in this state may exclude any and all coverage and
2 the duty to defend or indemnify for any claim afforded under the owner's
3 motor vehicle liability insurance policy, including, but not limited to:
4 (a) Liability coverage for bodily injury and property damage;
5 (b) Personal injury protection coverage as defined;
6 (c) Uninsured and underinsured motorist coverage;
7 (d) Medical payments coverage;
8 (e) Comprehensive physical damage coverage; and
9 (f) Collision physical damage coverage.
10 (2) Nothing in the Peer-to-Peer Vehicle Sharing Program Act
11 invalidates or limits an exclusion contained in a motor vehicle liability
12 insurance policy, including any insurance policy in use or approved for
13 use that excludes coverage for motor vehicles made available for rent,
14 hire, or for any business use, including sharing.
15 Sec. 7. (1) A program shall collect and verify records pertaining
16 to the use of a vehicle, including, but not limited to, sharing periods,
17 sharing period pick-up and drop-off locations, fees paid by a driver, and
18 revenue received by an owner.
19 (2) A program shall provide the information collected pursuant to
20 subsection (1) of this section upon request to the owner, the owner's
21 insurer, and the driver's insurer to facilitate a claim coverage
22 investigation;
23 (3) A program shall retain the records required in this section for
24 a time period not less than four years.
25 Sec. 8. A motor vehicle insurer that defends or indemnifies a claim
26 arising from the operation of a vehicle that is excluded under the terms
27 of its policy shall have the right to seek contribution against a program
28 if the claim is made against the owner or driver for loss or injury that
29 occurs during the sharing period.
30 Sec. 9. (1) Notwithstanding any other provision of law, a program
31 shall have an insurable interest in a vehicle during the sharing period.
1 (2) Nothing in this section shall impose liability on a program to
2 maintain the coverage required by section 3 of this act;
3 (3) A program may own and maintain as the named insured one or more
4 policies of motor vehicle liability insurance that provides coverage for:
5 (a) Liabilities assumed by the program under the agreement;
6 (b) Liability of an owner;
7 (c) Damage or loss to a vehicle; or
8 (d) Liability of a driver.
9 Sec. 10. A program and an owner shall be exempt from vicarious
10 liability in accordance with 49 U.S.C. 30106(a) and under any state or
11 local law that imposes liability solely based on vehicle ownership.
12 Sec. 11. (1) Each agreement made in this state shall disclose to
13 each owner and driver:
14 (a) Any right of the program to seek indemnification from an owner
15 or a driver for economic loss sustained by the program resulting from a
16 breach of the terms and conditions of the agreement;
17 (b) That a motor vehicle liability insurance policy issued to an
18 owner for the vehicle, or to a driver, may not provide a defense or
19 indemnity for any claim asserted by the program;
20 (c) That a program's financial responsibility afforded to each owner
21 and driver is available only during the sharing period;
22 (d) That for any use of a vehicle by a driver after the termination
23 time, a driver or owner may not have coverage;
24 (e) The daily rate, fees, costs, and, if applicable, any insurance
25 protection package costs that are charged to an owner or a driver; and
26 (f) That an owner's motor vehicle liability insurance may not
27 provide coverage for the vehicle;
28 (2) Each agreement made in this state shall disclose to each driver:
29 (a) An emergency telephone number to personnel capable of fielding
30 roadside assistance and other customer service inquiries; and
31 (b) Any conditions under which a driver must maintain a personal
32 automobile insurance policy and any required coverage limits on a primary
33 basis in order to use a vehicle through the program;
34 Sec. 12. A program shall have sole responsibility for any
35 equipment, such as a global positioning system or other special
36 equipment, that is put in or on a vehicle to monitor or facilitate
37 sharing and shall agree to indemnify and hold harmless the owner for any
38 damage to or theft of such equipment during the Sharing period not caused
39 by the owner. A program has the right to seek indemnity from a driver for
40 any loss or damage to such equipment that occurs during the Sharing
41 period.
42 Sec. 13. (1) At the time an owner registers a vehicle for use by a
43 program, and prior to the time the owner makes a vehicle available
44 for use by such program, the program shall:
45 (a) Verify that the vehicle does not have any safety recalls for
46 which the repairs have not been made; and
47 (b) Notify the owner of the requirements under subsection (2) of
48 this section.
49 (2) An owner shall:
50 (a) Not make a vehicle available for use through a program if the
51 owner has received actual notice of a safety recall on such vehicle until
52 the safety recall repair has been made;
53 (b) Upon receipt of actual notice of a safety recall on a vehicle
54 when such vehicle is available for use through a program, remove the
55 vehicle from availability as soon as practicably possible and until the
56 safety recall repair has been made; and
57 (c) Upon receipt of actual notice of a safety recall on a vehicle,
58 and when the vehicle is in the possession of a driver, notify the program
59 of the safety recall so that the program may notify the driver and the
60 vehicle can be removed from use until the owner makes the necessary
61 safety recall repair.
62 Sec. 14. (1) A program shall not enter into an agreement with any
63 driver unless such driver:
64 (a) Holds a driver's license issued in this state authorizing the
65 driver to operate vehicles of the class of vehicle used by the program;
66 or
67 (b) Is a nonresident who:
68 (i) Holds a driver's license issued by the state or country of the
69 driver's residence that authorizes the driver in that state or country to
70 drive vehicles of the class of vehicle used by the program; and
71 (ii) Is at least the same age as that required of a resident to
72 drive in this state.
73 (2) A program shall keep a record of:
74 (a) The name and address of each driver; and
75 (b) The driver's license number and place of issuance for each
76 driver who operates a vehicle under the agreement.
77 Sec. 15. Nothing in the Peer-to-Peer Vehicle Sharing Program Act
78 shall be construed to limit the powers of an airport authority under
79 Nebraska law.
80 Sec. 16. This act becomes operative on January 1, 2021.

(Signed) Curt Friesen, Chairperson
ANNOUNCEMENT(S)

Priority designation(s) received:

Geist - LB814
Kolowski - LB1188

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 2020, 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

Beasley, Daniel
   Home School Legal Defense Association
Bugel, Madeleine
   National Electrical Manufacturers Association
Kelley Plucker, LLC
   Anthem, Inc. and Its Affiliates
Kline, Audrey
   National Vote at Home Institute
Lautenbaugh, Scott
   K12, Inc.
   Nebraska Vape Vendors Association
Peetz & Company
   Friends of Knox County
Potter, Cara E.
   Anthem, Inc. and Its Affiliates
   WellCare Health Plans, Inc. and Its Subsidiaries (Withdrawn 02/06/2020)

GENERAL FILE

LEGISLATIVE BILL 518A. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB287 with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 287.**

A BILL FOR AN ACT relating to game and parks; to amend sections 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-202, and 37-1214, Revised Statutes Supplement, 2019; to define terms; to provide and change powers of the Game and Parks Commission relating to dissemination of promotional materials, reduced-rate permits and stamps, and replacement permit fees; to change provisions relating to lifetime, multiple-year, and annual permits, stamps, and fees; to change annual and temporary motor vehicle permit fee provisions; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits or entering certain random drawings; to provide for rules and regulations relating to hunter orange; to change motorboat registration fees as prescribed; to change and eliminate provisions relating to fees for the Aquatic Invasive Species Program; 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    Hansen, B.   Lindstrom   Vargas
Arch       DeBoer      Hansen, M.  Linehan     Walz
Blood      Dorn        Hilkemann   McCollister Wayne
Bostelman  Erdman     Howard      McDonnell  Williams
Brandt     Friesen     Hughes      Moser       Wishart
Brewer     Geist       Hunt        Murman      
Briese      Gragert    Kolowski    Pansing Brooks
Cavanaugh  Groene     Koltermann  Quick      
Clements   Halloran   Lathrop     Scheer      

Voting in the negative, 0.

Present and not voting, 6:
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 310.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2906, Reissue Revised Statutes of Nebraska, and section 77-5601, Revised Statutes Supplement, 2019; to provide deadlines for the determination of tax credits, change provisions relating to appeals, and provide a fee under the Nebraska Job Creation and Mainstreet Revitalization Act; to authorize the use of certain fees for revenue enforcement; 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:

Voting in the negative, 0.

Present and not voting, 3:

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

**LEGISLATIVE BILL 310A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, One Hundred Sixth Legislature, Second Session, 2020.

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  Slama  
Arch  DeBoer  Hilkemann  Lowe  Vargas  
Blood  Dorn  Howard  McCollister  Walz  
Bostelman  Erdman  Hughes  McDonnell  Wayne  
Brandt  Friesen  Hunt  Morfeld  Williams  
Brewer  Geist  Kolowski  Moser  Wishart  
Briese  Gragert  Kolterman  Murman  
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, 2:

Bolz  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 LB381 with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 381.**

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,

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
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 Hilkeman La Grone Pansing Brooks
Clements Hansen, B. Lathrop Quick

Voting in the negative, 0.

Excused and not voting, 2:

Bolz 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 LB387 with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 387.

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, 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.

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
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
Clements  Hansen, B.    Lathrop    Quick

Voting in the negative, 0.
Excused and not voting, 2:

Bolz          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 541.**

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; to provide powers and duties for the Department of Health and Human Services; to authorize the providing of bone marrow registry information to patients by physicians 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:

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Voting in the negative, 0.

Excused and not voting, 2:

Bolz          Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 643.**

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.

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  Hilkenmann  Lowe  Vargas
Bostelman  Erdman  Howard  McCollister  Walz
Brandt  Friesen  Hughes  McDonnell  Wayne
Brewer  Geist  Hunt  Morfeld  Williams
Briese  Gragert  Kolowski  Moser  Wishart
Cavanaugh  Groene  Koltermann  Murman
Chambers  Halloran  La Grone  Pansing Brooks
Clements  Hansen, B.  Lathrop  Quick

Voting in the negative, 0.

Excused and not voting, 2:

Bolz  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 LB734 with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-116.01, 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 the regulation of charter bus services and the licensure of special party buses; to provide for procedures and fees; 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, 42:
Voting in the negative, 0.

Present and not voting, 5:

Albrecht  Bostelman  Geist  Lindstrom  Slama

Excused and not voting, 2:

Bolz  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 734A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, One Hundred Sixth Legislature, Second Session, 2020.

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:

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Voting in the negative, 0.

Present and not voting, 8:
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 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

**SELECT FILE**

**LEGISLATIVE BILL 312. ER159**, found on page 483, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 126. ER160**, found on page 484, was adopted.

Senator Hughes offered his amendment, **AM2380**, found on page 581.

The Hughes amendment was adopted with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

Senator Bostelman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 238.** Title read. Considered.

Pending.

**COMMITTEE REPORT(S)**
Banking, Commerce and Insurance

**LEGISLATIVE BILL 1199.** Placed on General File.

**LEGISLATIVE BILL 886.** Placed on General File with amendment. **AM2276**

T1. Strike original sections 2 and 4.
2 2. On page 3, strike lines 19 through 22 and insert the following
3 new subsections:
4 "(d) A facility may advertise or hold itself out as a network
5 provider if the facility is a network provider of the health insurer;
6 (5) A facility shall not place the name or logo of a health insurer
7 in any signage or marketing materials if the facility is not a network
8 provider for the health insurer;' and in line 23 strike "(5)" and insert
9 "(6)'.
10 3. Renumber the remaining section accordingly.

(Signed) Matt Williams, Chairperson

Business and Labor

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 1016. Placed on General File with amendment.

AM2350

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-622.03, Revised Statutes Supplement, 2019, is
4 amended to read:
5 48-622.03 (1) There is hereby created the Nebraska Worker Training
6 Board. The board shall consist of seven members appointed and serving for
7 terms determined by the Governor as follows:
8 (a) A representative of employers in Nebraska;
9 (b) A representative of employees in Nebraska;
10 (c) A representative of the public;
11 (d) The Commissioner of Labor or a designee;
12 (e) The Director of Economic Development or a designee;
13 (f) The Commissioner of Education or a designee; and
14 (g) The chairperson of the governing board of the Nebraska Community
15 College Association or a designee.
16 (2) The chairperson of the Nebraska Worker Training Board shall be
17 the representative of the employers in Nebraska.
18 (3) By July 1 of each year, the board shall prepare an annual
19 program plan for the upcoming fiscal year containing guidelines for the
20 program financed by the Nebraska Training and Support Cash Fund. The
21 guidelines shall include, but not be limited to, guidelines for
22 certifying training providers, criteria for evaluating requests for the
23 use of money under section 48-622.02, and guidelines for requiring
24 employers to provide matching funds. The guidelines shall give priority
25 to training that contributes to the expansion of the Nebraska workforce
26 and increasing the pool of highly skilled workers in Nebraska.
27 (4) By December 31 of each year, the Department of Labor
1 shall provide a report to the Governor covering the activities of the
2 program financed by the Nebraska Training and Support Cash Fund for the
3 previous fiscal year. The report shall contain an assessment of the
4 effectiveness of the program and its administration.
5 Sec. 2. Section 48-1228, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:
7 48-1228 Sections 48-1228 to 48-1234 and sections 3 and 6 of this act
8 shall be known and may be cited as the Nebraska Wage Payment and
9 Collection Act.
10 Sec. 3. An employer shall not retaliate or discriminate against an
11 employee because the employee;
12 (1) Files a suit or complaint under the Nebraska Wage Payment and

---

3. Renumber the remaining section accordingly.

(Signed) Matt Williams, Chairperson

Business and Labor

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 1016. Placed on General File with amendment.
13 Collection Act; or
14 (2) Testifies, assists, or participates in an investigation.
15 proceeding, or action concerning a violation of the act.
16 Sec. 4, Section 48-1231, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:
18 48-1231 (1) An employee having a claim for wages which are not paid
19 within thirty days of the regular payday designated or agreed upon may
20 institute suit for such unpaid wages in the proper court. If an employee
21 establishes a claim and secures judgment on the claim, such employee
22 shall be entitled to recover (a) the full amount of the judgment and all
23 costs of such suit, including reasonable attorney's fees and (b) if such
24 employee has employed an attorney in the case, an amount for attorney's
25 fees assessed by the court, which fees shall not be less than twenty-five
26 percent of the unpaid wages. If the cause is taken to an appellate court
27 and the employee plaintiff recovers a judgment, the appellate court shall
28 award reasonable attorney's fees to the employee tax as costs in the
29 action, to be paid to the plaintiff, an additional amount for attorney's
30 fees in such appellate court, which fees shall not be less than twenty-five
31 percent of the unpaid wages. If the employee fails to recover a
32 judgment in excess of the amount that may have been tendered within
33 thirty days of the regular payday by an employer, such employee shall not
34 recover the attorney's fees provided by this subsection section. If the
35 court finds that no reasonable dispute existed as to the fact that wages
36 were owed or as to the amount of such wages, the court may order the
37 employee to pay the employer's attorney's fees and costs of the action as
38 assessed by the court.
39 (2) If an employee works for an employer that is not subject to the
40 Nebraska Fair Employment Practice Act and such employee is aggrieved by a
41 violation of section 3 of this act, the employee may bring a suit against
42 such employer in the proper court to recover the damages sustained by
43 reason of such violation. If an employee prevails in a suit brought
44 pursuant to this subsection, such employee shall be entitled to recover
45 the full amount of the judgment and all costs of such suit, including
46 reasonable attorney's fees. If the cause is taken to an appellate court
47 and the employee recovers a judgment, the appellate court shall award
48 reasonable attorney's fees to the employee.
49 (3) (4) An employer who fails to furnish a wage statement under
50 subsection (2) of section 48-1230 shall be guilty of an infraction as
51 defined in section 29-431 and shall be subject to a fine pursuant to
52 section 29-436.
53 (4) If an employee institutes suit against an employer under
54 subsection (1) or (2) of this section, any citation that is issued
55 against such employer under section 48-1234 and that relates directly to
56 the facts in dispute shall be admitted into evidence unless specifically
57 excluded by the court. If a citation has been contested as described in
58 subsection (3) of section 48-1234, it shall not be admitted into evidence
59 under this subsection until after such contest has been resolved.
60 Sec. 5. Section 48-1234, Revised Statutes Supplement, 2019, is
61 amended to read:
62 48-1234 (1) The Commissioner of Labor shall issue a citation to an
63 employer when an investigation reveals that the employer may have
64 violated the Nebraska Wage Payment and Collection Act, other than a
65 violation of subsection (2) of section 48-1230.
66 (2) When a citation is issued, the commissioner shall notify the
67 employer of the proposed administrative penalty, if any, by certified
68 mail or any other manner of delivery by which the United States Postal
69 Service can verify delivery or by any method of service recognized under
70 Chapter 25, article 5. The administrative penalty shall be not more than
71 five hundred dollars in the case of a first violation and not more than
72 ten thousand dollars in the case of a second or subsequent violation.
11 (3) The employer has fifteen working days after the date of the
citation or penalty to contest such citation or penalty. Notice of
contest shall be sent to the commissioner who shall provide a hearing in
accordance with the Administrative Procedure Act.
15 (4) Any employer who has an unpaid citation for a violation of the
Nebraska Wage Payment and Collection Act shall be barred from contracting
with the state or any political subdivision until such citation is paid.
18 If a citation has been contested as described in subsection (3) of this
section, it shall not be considered an unpaid citation under this
subsection until after such contest has been resolved.
21 (5) Citations issued under this section and the names of employers
who have been issued a citation shall be made available to the public
upon request, except that this subsection shall not apply to any
citations that are being contested as described in subsection (3) of this
section.
26 Sec. 6. No later than December 1 of each year, the Department of
Labor shall post information on its web site regarding compliance with
and enforcement of the Nebraska Wage Payment and Collection Act and shall
provide notice to the Legislature that the information was posted. The
information shall include, but not be limited to, (1) the total number of
reports of unpaid wages filed with the department in the prior calendar
year, (2) the total number of reports investigated in the prior calendar
year, (3) the results of all investigations completed in the prior
calendar year, including, but not limited to, the number of cases in
which wages were found to be owed to an employee, the number of cases in
which the employer paid wages owed to the employee during the course of
the investigation, and the number of cases in which it was found that no
wages were owed to an employee, (4) the number of citations issued
pursuant to section 48-2234 in the prior calendar year, (5) the total
amount of wages owed to employees according to the citations issued in
the prior calendar year, (6) the number of employers with more than two
citations in the previous five years, and (7) the number and names of
employers with at least one unpaid citation from the previous five years.
Sec. 7. Section 48-2107, Revised Statutes Cumulative Supplement,
2018, is amended to read:
15 48-2107 (1) Each application or renewal under section 48-2105 shall
be signed by the applicant and accompanied by a fee not to exceed of
forty dollars. The commissioner may adopt and promulgate rules and
regulations to establish the criteria for acceptability of filing
documents and making payments electronically. The criteria may include
requirements for electronic signatures. The commissioner may refuse to
accept any electronic filings or payments that do not meet the criteria
established. The fee shall not be required when an amendment to an
application is submitted. The commissioner shall remit the fees collected
under this subsection to the State Treasurer for credit to the Contractor
and Professional Employer Organization Registration Cash Fund.
26 (2) A contractor shall not be required to pay the fee under
subsection (1) of this section if (a) the contractor is self-employed and
does not pay more than three thousand dollars annually to employ other
persons in the business and the application contains a statement made
under oath or equivalent affirmation setting forth such information or
(b) the contractor only engages in the construction of water wells or
installation of septic systems. At any time that a contractor no longer
qualifies for exemption from the fee, the fee shall be paid to the
department. Any false statement made under subdivision (2)(a) of this
section shall be a violation of section 28-915.01.
5 (3) The commissioner shall charge an additional fee of twenty-five
dollars for the registration of each nonresident contractor and a fee of
twenty-five dollars for the registration of each contract to which a
nonresident contractor is a party if the total contract price or
9 compensation to be received is more than ten thousand dollars. The
10 commissioner shall remit the fees collected under this subsection to the
11 State Treasurer for credit to the General Fund.
12 Sec. 8. Section 48-2907, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:
14 48-2907 (1) In addition to any other fines or penalties provided by
15 law, if the commissioner may issue a citation to a contractor when an
16 investigation reveals finds, after notice and hearing, that a contractor
17 has violated the Employee Classification Act, the contractor shall be
18 assessed by the commissioner a five-hundred-dollar fine
19 (2) When a citation is issued, the commissioner shall notify the
20 contractor of the proposed administrative penalty, if any, by certified
21 mail or any other manner of delivery by which the United States Postal
22 Service can verify delivery or by any method of service recognized under
23 Chapter 25, Article 5. The administrative penalty shall not be more than
24 five hundred dollars per each misclassified individual for the first
25 offense and not more than five thousand dollars a fine; thousand dollar
26 fine per each misclassified individual for each second or and subsequent
27 offense.
28 (3) The contractor has fifteen working days after the date of the
29 citation or penalty to contest such citation or penalty. Notice of
30 contest shall be sent to the commissioner who shall provide a hearing in
31 accordance with the Administrative Procedure Act.
32 (4) A contractor who is assessed an administrative penalty for a
33 violation of the Employee Classification Act shall pay such
34 administrative penalty no later than ten days after the date the penalty
35 becomes final and not subject to further appeal. A contractor who
36 has an unpaid administrative penalty in violation of this subsection
37 fails to pay a violation of the Employee Classification Act shall be barred
38 from contracting with the state or any political subdivision until such
39 administrative penalty is paid.
40 Sec. 9. Sections 2, 3, 4, 5, 6, and 11 of this act become operative
41 on October 1, 2020. The other sections of this act become operative on
42 their effective date.
43 Sec. 10. Original sections 48-2107 and 48-2907, Revised Statutes
44 Cumulative Supplement, 2018, and section 48-622.03, Revised Statutes
45 Supplement, 2019, are repealed.
46 Sec. 11. Original sections 48-1228, 48-1231, Revised Statutes
47 Cumulative Supplement, 2018, and section 48-1234, Revised Statutes
48 Supplement, 2019, are repealed.
49 Sec. 12. The following sections are outright repealed: Sections
50 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505,
51 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515,
52 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524,
53 Reissue Revised Statutes of Nebraska.
54 Sec. 13. Since an emergency exists, this act takes effect when
55 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

Natural Resources

LEGISLATIVE BILL 858. Placed on General File with amendment.
AM2346 is available in the Bill Room.

(Signed) Dan Hughes, Chairperson
ANNOUNCEMENT(S)

Priority designation(s) received:

Health and Human Services - LB1140
Business and Labor - LB1016

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 24, 2020 1:30 p.m.
LB1206
LB1023
LB1177

(Signed) Mike Groene, Chairperson
General Affairs
Room 1510

Monday, February 24, 2020 1:30 p.m.
David Hunter - State Electrical Board
James S. Brummer - State Electrical Board
Janelle Beveridge - State Racing Commission
Kelly J. Lambert - Nebraska Commission on Problem Gambling
Mark Laughlin - Nebraska Arts Council

(Signed) Tom Bries, Chairperson
Revenue
Room 1524

Thursday, February 20, 2020 1:30 p.m.
LB1025
LB1034
LB1045
LB1179

Friday, February 21, 2020 1:30 p.m.
LB829
LB812
LB930
LR284CA

(Signed) Lou Ann Linehan, Chairperson
Thursday, February 20, 2020 1:30 p.m.
Seth B. Harder - Environmental Quality Council
LR294
LB845

(Signed) Dan Hughes, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2020, at 9:46 a.m. were the following: LBs 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 238. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.
Committee AM1549, found on page 1793, First Session, 2019, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 803. Placed on General File.

LEGISLATIVE BILL 972. Placed on General File.

(Signed) Steve Halloran, Chairperson

Revenue

LEGISLATIVE BILL 974. Placed on General File with amendment. AM2433 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson
RESOLUTION(S)


PURPOSE: The purpose of this interim study is to review the most recent experience study required under section 84-1503. The Public Employees Retirement Board is required to obtain such experience study at least every four years for all retirement systems administered by the board. The board administers the retirement systems provided for in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, and the State Employees Retirement Act. The next experience study is scheduled for 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 315. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review a separate compliance audit obtained by the Public Employees Retirement Board, as required under section 84-1503, of the state-administered retirement systems. The compliance audit includes, but is not limited to, an examination of records, files, and other documents and an evaluation of all policies and procedures to determine compliance with all state and federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 316. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the Nebraska Public Employees Retirement Systems administered by the Public Employees Retirement Board as provided in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retire Act, and the State Employees Retirement Act. 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, SECOND 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 317. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to carry out section 13-2402 which requires the Nebraska Retirement Systems Committee of the Legislature to monitor 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 defined benefit plans that are underfunded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 318. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review progress in complying with sections 79-9,120 to 79-9,123, which require the Public Employees Retirement Board, in consultation with the Nebraska Retirement Systems Committee of the Legislature, the Omaha School Employees
Retirement System, the Omaha Public Schools, and other stakeholders, to prepare a work plan that identifies the tasks, process, costs, and timeline involved in transferring management and actuarial services of the Omaha School Employees Retirement System to the Public Employees Retirement Board. The work plan is required to be completed and submitted to the Legislature by June 30, 2020, and shall include:

1. A comparison of the annual administration costs of the Omaha School Employees Retirement System to the estimated cost for the Nebraska Public Employees Retirement System to manage the Omaha School Employees Retirement System plan;
2. The identification of the necessary tasks and costs to transfer management from the Omaha School Employees Retirement System to the Public Employees Retirement Board, including assessment of the following categories:
   a. Administration;
   b. Actuarial service;
   c. Accounting;
   d. Computer infrastructure;
   e. Information technology;
   f. Member data and record transfer;
   g. Necessary statutory changes;
   h. Staff training and assessment of staffing needs; and
   i. Educational and communication plans to fully inform all system stakeholders and affected governmental entities regarding management changes; and
3. Establishment of timelines for completion of identified tasks.

The management transfer is not to include a merger or consolidation of the Omaha School Employees Retirement System with the School Employees Retirement System nor is it to include assumption of liability for the unfunded balance by the State of Nebraska, the Nebraska Public Employees Retirement Systems, or the Public Employees Retirement Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.


WHEREAS, Tom Sieck served on the Seward County Public Power District Board of Directors for 38 years before serving on the Norris Public Power District Board of Directors for the past two years; and
WHEREAS, Nebraska is unique in that it is the only state in the country served entirely by public electric utilities; and
WHEREAS, in 1933, the Legislature passed Senate File 310, which provided for the creation of public power and irrigation districts to provide electric service in areas which had previously been denied central station electric power; and
WHEREAS, the Nebraska Power Review Board approved the merger of the Seward County Public Power District and the Norris Public Power District effective May 1, 2017; and
WHEREAS, the Norris Public Power District's mission is to safely provide electricity and related services to customers at competitive prices, in the most reliable, efficient, and environmentally responsible manner; and
WHEREAS, Tom Sieck has served for forty years on public power district boards to further the mission of public power.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes and thanks Tom Sieck for his forty years of service on public power district boards.
2. That a copy of this resolution be sent to Tom Sieck.

Laid over.

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.

Jillian Chance - Nebraska Child Abuse Prevention Fund Board
David J. Hansen - Nebraska Child Abuse Prevention Fund Board
Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

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.

Britt D. Anderson - Beginning Farmer Board
Bradley D. Lubben - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:
Revenue - LB974
Morfeld - LB997

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB786.
Senator DeBoer name added to LB1208.

VISITOR(S)

Visitors to the Chamber were Steve Louder Back from Ashland; students, teacher, and sponsors from South Sioux City; and students and teachers from the Nebraska Civic Leadership Program from Omaha.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIFTH DAY - FEBRUARY 18, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 2020

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 Arch, Chambers, Linehan, Morfeld, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 607. Placed on Select File with amendment.

ER169

1. Strike original section 1 and insert the following new section:
2. Section 1. Section 38-1001, Revised Statutes Supplement, 2019, is
3. amended to read:
4. 38-1001 Sections 38-1001 to 38-10,172 and sections 4, 7, 8, 12, 17,
5. 25, 27, 28, and 30 to 36 of this act shall be known and may be cited as
6. the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
8. 2. On page 1, line 5, strike "and"; in line 6, strike "38-1001, ";
9. and in line 8 after "2018" insert ", and section 38-1001, Revised
10. Statutes Supplement, 2019".
11. 3. On page 4, line 4, after "ge" insert "g".
12. 4. On page 20, line 12, strike the second "and"; in line 13, strike
13. "38-1001,"; and in line 15 after the second comma insert "and section
14. 38-1001, Revised Statutes Supplement, 2019,".

LEGISLATIVE BILL 607A. Placed on Select File.
11. On page 1, line 4, after the semicolon insert "to provide powers
2 for the Game and Parks Commission.".

1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 43-1311.03, Revised Statutes Supplement, 2019, is
4 amended to read:
5 43-1311.03 (1) When a child placed in foster care turns fourteen
6 years of age or enters foster care and is at least fourteen years of age,
7 a written independent living transition proposal shall be developed by
8 the Department of Health and Human Services at the direction and
9 involvement of the child to prepare for the transition from foster care
10 to successful adulthood. Any revision or addition to such proposal shall
11 also be made in consultation with the child. The transition proposal
12 shall be personalized based on the child's needs and shall describe the
13 services needed for the child to transition to a successful adulthood as
14 provided in the Nebraska Strengthening Families Act. The transition
15 proposal shall include, but not be limited to, the following needs and
16 the services needed for the child to transition to a successful adulthood
17 as provided in the Nebraska Strengthening Families Act:
18 (a) Education;
19 (b) Employment services and other workforce support;
20 (c) Health and health care coverage, including the child's potential
21 eligibility for medicaid coverage under the federal Patient Protection
22 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
23 and section existed on January 1, 2013;
24 (d) Behavioral health treatment and support needs and access to such
25 treatment and support;
26 (e) Financial assistance, including education on credit card
27 financing, banking, and other services;
28 (f) Housing;
29 (g) Relationship development and permanent connections;
30 (h) Adult services, if the needs assessment indicates that the child
31 is reasonably likely to need or be eligible for services or other support
32 from the adult services system; and
33 (i) Information, planning, and assistance to obtain a driver's
34 license as allowed under state law and consistent with subdivision (9)(b)
35 (iv) of this section, including, but not limited to, providing the child
36 with a copy of a driver's manual, identifying driver safety courses and
37 resources to access a driver safety course, and identifying potential
38 means by which to access a motor vehicle for such purposes.
39 (2) The transition proposal shall be developed and frequently
40 reviewed by the department in collaboration with the child's transition
41 team. The transition team shall be comprised of the child, the child's
42 caseworker, the child's guardian ad litem, individuals selected by the
43 child, and individuals who have knowledge of services available to the
44 child. As provided in the Nebraska Strengthening Families Act, one of the
45 individuals selected by the child may be designated as the child's
46 advisor and, as necessary, advocate for the child with respect to the
47 application of the reasonable and prudent parent standard and for the
21 child on normalcy activities. The department may reject an individual
22 selected by the child to be a member of the team if the department has
23 good cause to believe the individual would not act in the best interests
24 of the child.

25 (3) The transition proposal shall be considered a working document
26 and shall be, at the least, updated for and reviewed at every permanency
27 or review hearing by the court. The court shall determine whether the
28 transition proposal includes the services needed to assist the child to
29 make the transition from foster care to a successful adulthood.

30 (4) The transition proposal shall document what efforts were made to
31 involve and engage the child in the development of the transition
32 proposal and any revisions or additions to the transition proposal. As
33 provided in the Nebraska Strengthening Families Act, the court shall ask
34 the child, in an age or developmentally appropriate manner, about his or
35 her involvement in the development of the transition proposal and any
36 revisions or additions to such proposal. As provided in the Nebraska
37 Strengthening Families Act, the court shall make a finding as to the
38 child's involvement in the development of the transition proposal and any
39 revisions or additions to such proposal.

40 (5) The final transition proposal prior to the child's leaving
41 foster care shall specifically identify how the need for housing will be
42 addressed.

43 (6) If the child is interested in pursuing higher education, the
44 transition proposal shall provide for the process in applying for any
45 applicable state, federal, or private aid.

46 (7) The department shall provide without cost a copy of any consumer
47 report as defined in 15 U.S.C. 1681a(d), as such section existed on
48 January 1, 2016, pertaining to the child each year until the child is
49 discharged from care and assistance, including when feasible, from the
50 child's guardian ad litem, in interpreting and resolving any inaccuracies
51 in the report as provided in the Nebraska Strengthening Families Act.

52 (8)(a) Any child who is adjudicated to be a juvenile described in
53 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
54 placement or (ii) subdivision (8) of section 43-247 and whose
55 guardianship or state-funded adoption assistance agreement was disrupted
56 or terminated after the child had attained the age of sixteen years,
57 shall receive information regarding the Young Adult Bridge to
58 Independence Act and the bridge to independence program available under
59 the act.

60 (b) The department shall create a clear and developmentally
61 appropriate written notice discussing the rights of eligible young adults
62 to participate in the program. The notice shall include information about
63 eligibility and requirements to participate in the program, the extended
64 services and support that young adults are eligible to receive under the
65 program, and how young adults can be a part of the program. The notice
66 shall also include information about the young adult's right to request a
67 client-directed attorney to represent the young adult pursuant to section
68 43-4510 and the benefits and role of an attorney.

69 (c) The department shall disseminate this information to any child
70 who was adjudicated to be a juvenile described in subdivision (3)(a) of
71 section 43-247 and who is in an out-of-home placement at sixteen years of
72 age and any child who was adjudicated to be a juvenile under subdivision
73 (8) of section 43-247 and whose guardianship or state-funded adoption
74 assistance agreement was disrupted or terminated after the child had
75 attained the age of sixteen years. The department shall disseminate this
76 information to any such child yearly thereafter until such child attains
77 the age of nineteen years and not later than ninety days prior to the
78 child's last court review before attaining nineteen years of age or being
79 discharged from foster care to independent living. In addition to
80 providing the written notice, not later than ninety days prior to the
19 child's last court review before attaining nineteen years of age or being
20 discharged from foster care to independent living, a representative of
21 the department shall explain the information contained in the notice to
22 the child in person and the timeline necessary to avoid a lapse in
23 services and support.
24 (9)(a) The department shall provide the child with the documents,
25 information, records, and other materials described in subdivision (9)(b)
26 of this section, (i) if the child is leaving foster care, on (4)(ii) or
27 before the date the child reaches eighteen or nineteen years of age or
28 twenty-one years of age if the child participates in the bridge to
29 independence program, and (ii) at the age or as otherwise prescribed in
30 subdivision (9)(b) of this section, if the child is leaving foster care.
31 (b) The department shall provide the child with:
1 (i) A certified copy of the child's birth certificate and
3 facilitate securing a federal social security card when the child is
4 eligible for such card;
5 (ii) Health insurance information and all documentation required
6 for enrollment in medicaid coverage for former foster care children as
7 available under the federal Patient Protection and Affordable Care Act,
8 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
9 January 1, 2013;
10 (iii) A copy of the child's medical records;
11 (iv) A driver's license or identification card issued by a state
12 in accordance with the requirements of section 202 of the REAL ID Act of
13 2005, as such section existed on January 1, 2016, and when requested by a
14 child fourteen years of age or older, all documents necessary to obtain
15 such license or card;
16 (v) A copy of the child's educational records;
17 (vi) A credit report check;
18 (vii) Contact information, with permission, for family members,
19 including siblings, with whom the child can maintain a safe and
20 appropriate relationship, and other supportive adults;
21 (viii) A list of local community resources, including, but not
22 limited to, support groups, health clinics, mental and behavioral health
23 and substance abuse treatment services and support, pregnancy and
24 parenting resources, and employment and housing agencies;
25 (ix) Written information, including, but not limited to, contact
26 information, for disability resources or benefits that may assist the
27 child as an adult, specifically including information regarding state
28 programs established pursuant to 42 U.S.C. 677, as such section existed
29 on January 1, 2016, and disability benefits, including supplemental
30 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
31 existed on January 1, 2016, or social security disability insurance
32 program established pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
33 the child may be eligible as an adult;
34 (x) An application for public assistance and information on how
35 to access the system to determine public assistance eligibility;
36 (xi) A letter prepared by the department that verifies the
37 child's name and date of birth, dates the child was in foster care, and
38 whether the child was in foster care on his or her eighteenth,
39 nineteenth, or twenty-first birthday and enrolled in medicaid while in
40 foster care;
41 (xii) Written information about the child's Indian heritage or
42 tribal connection, if any; and
43 (xiii) Written information on how to access personal documents
44 in the future.
45 (c) All fees associated with securing the certified copy of the
46 child's birth certificate or obtaining a driver's license or identification card shall be waived by the state.
The transition proposal shall document that the child was provided all of the documents listed in this subsection. The court shall make a finding as to whether the child has received the documents as part of the independence hearing as provided in subdivision (2)(d) of section 43-265. Sec. 2. Section 43-4704, Revised Statutes Cumulative Supplement, 2018, is amended to read:

24 43-4704 (1) Every child placed by the department in a foster family home or child-care institution shall be entitled to access to reasonable opportunities to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. (2) A child in foster care shall not be required, by virtue of his or her status as a child in foster care, to meet any more requirements for a driver's license under the Motor Vehicle Operator's License Act than any other child applying for the same license. Sec. 3. Original section 43-4704, Revised Statutes Cumulative Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement, 2019, are repealed.

2. On page 1, strike beginning with "sections" in line 1 through line 8 and insert "section 43-4704, Revised Statutes Cumulative Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement, 2019; 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 to repeal the original sections.".

LEGISLATIVE BILL 448. Placed on Select File with amendment.

ER167

1. Strike the original sections and all amendments thereto and insert the following new sections:

3 Section 1. Section 48-122, Revised Statutes Supplement, 2019, is amended to read:

5 48-122 (1) If death results from injuries and the deceased employee leaves one or more dependents dependent upon his or her earnings for support at the time of injury, the compensation, subject to section 84-123, shall be not more than the maximum weekly income benefit specified in section 48-121.01 nor less than the minimum weekly income benefit specified in section 48-121.01, except that if at the time of injury the employee receives wages of less than the minimum weekly income benefit specified in section 48-121.01, then the compensation shall be the full amount of such wages per week, payable in the amount and to the persons enumerated in section 48-122.01 subject to the maximum limits specified in this section and section 48-122.03.

16 (2) When death results from injuries suffered in employment, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee, the weekly wages shall be taken to be computed upon the basis of a workweek of a minimum of five days, if the wages are paid by the day, or upon the basis of a workweek of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a workweek of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

25 (3) Upon the death of an employee, resulting through personal injuries as defined in section 48-151, whether or not there are dependents entitled to compensation, the reasonable expenses of burial, not exceeding an amount equal to twelve times the state average weekly wage determined pursuant to section 48-121.02 for the calendar year in which the death occurred, or ten thousand dollars, whichever is less, shall be paid to his or her dependents, or if there are no

expenses, shall be paid to his or her dependents, or if there are no
6 dependents, then to his or her personal representative.
7 (4) Compensation under the Nebraska Workers' Compensation Act to
8 alien dependents who are not residents of the United States shall be the
9 same in amount as is provided in each case for residents, except that at
10 any time within one year after the death of the injured employee the
11 employer may at his or her option commute all future installments of
12 compensation to be paid to such alien dependents. The amount of the
13 commuted payment shall be determined as provided in section 48-138.
14 (5)(a)(i) Except as provided in subdivision (5)(a)(ii) of this
15 section, the consular officer of the nation of which the employee, whose
16 injury results in death, is a citizen shall be regarded as the sole legal
17 representative of any alien dependents of the employee residing outside
18 of the United States and representing the nationality of the employee.
19 (ii) At any time prior to the final settlement, a nonresident alien
20 generally may file with the Nebraska Workers' Compensation Court a power
21 of attorney designating any suitable person residing in this state to act
22 as attorney in fact in proceedings under the Nebraska Workers'
23 Compensation Act. If the compensation court determines that the interests
24 of the nonresident alien dependent will be better served by such person
25 than by the consular officer, the compensation court shall appoint such
26 person to act as attorney in fact in such proceedings. In making such
27 determination the court shall consider, among other things, whether a
28 consular officer's jurisdiction includes Nebraska and the responsiveness
29 of the consular officer to attempts made by an attorney representing the
30 employee to engage such consular officer in the proceedings.
31 (b) Such consular officer or appointed person shall have in behalf
1 of such nonresident alien dependents the exclusive right to institute
2 proceedings for, adjust, and settle all claims for compensation provided
3 to such nonresident alien dependents of all compensation arising
4 thereunder.
5 (c) A person appointed under subdivision (5)(a)(ii) of this section
6 shall furnish a bond satisfactory to the compensation court conditioned
7 upon the proper application of any money received as compensation under
8 the Nebraska Workers' Compensation Act. Before the bond is discharged,
10 such appointed person shall file with the compensation court a verified
11 account of receipts and disbursements of such money.
12 (d) For purposes of this section, consular officer means a consul
13 general, vice consul general, or vice consul or the representative of any
14 such official residing within the State of Nebraska.
15 (e) The changes made to this section by Laws 2019, LB418, apply to
16 cases under the Nebraska Workers' Compensation Act that are pending on
17 September 1, 2019, and to cases filed on or after such date.
18 Sec. 2. Original section 48-122, Revised Statutes Supplement, 2019,
19 is repealed.
20 2. On page 1, line 2, strike "Revised Statutes Cumulative
21 Supplement, 2018" and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 515. Placed on Select File with amendment.
ER171
1 1. On page 1, line 2, after "sections" insert "79-254," and strike
2 "79-271."

LEGISLATIVE BILL 518A. Placed on Select File.

(Signed) Julie Slama, Chairperson
ANNOUNCEMENT(S)

Priority designation(s) received:

Natural Resources - LB858
Blood - LB755

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 309, 310, and 311 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 309, 310, and 311.

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 618:

- Nebraska Child Abuse Prevention Fund Board
  - Jillian Chance
  - David J. Hansen
  - Shelly K. McQuillan

Voting in the affirmative, 38:

- Albrecht
- Clements
- Hansen, B.
- La Grone
- Quick
- Blood
- Crawford
- Hansen, M.
- Lindstrom
- Scheer
- Bolz
- DeBoer
- Hilgers
- Lowe
- Stinner
- Bostelman
- Dorn
- Hilkemann
- McCollister
- Vargas
- Brandt
- Erdman
- Howard
- McDonnell
- Walz
- Brewer
- Geist
- Hughes
- Moser
- Williams
- Briese
- Gragert
- Hunt
- Murman
- Cavanaugh
- Halloran
- Kolterman
- Pansing Brooks

Voting in the negative, 0.

Present and not voting, 4:

- Friesen
- Groene
- Kolowski
- Lathrop

Excused and not voting, 7:

- Arch
- Linehan
- Slama
- Wishart
- Chambers
- Morfeld
- Wayne

The appointments were confirmed with 38 ayes, 0 nays, 4 present and not
voting, and 7 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 618:

Beginning Farmer Board
Britt D. Anderson
Bradley D. Lubben
Dave W. Nielsen
Wade E. Thornburg

Voting in the affirmative, 37:

Albrecht Crawford Hansen, B. Lathrop Scheer
Blood DeBoer Hilgers Lindstrom Stinner
Bostelman Erdman Hilkemann Lowe Vargas
Brandt Friesen Howard McDonnell Walz
Brewer Geist Hughes Moser Williams
Briese Gragert Hunt Murman
Cavanaugh Groene Kolterman Pansing Brooks
Clements Halloran La Grone Quick

Voting in the negative, 0.

Present and not voting, 6:

Bolz Hansen, M. McCollister
Dorn Kolowski Morfeld

Excused and not voting, 6:

Arch Linehan Wayne
Chambers Slama Wishart

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT(S)

Priority designation(s) received:

Hunt - LB962

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 126. Placed on Final Reading.

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER160, on page 5, line 21, "special" has been struck and "additional limited" inserted.
LEGISLATIVE BILL 312. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1080. Placed on General File.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Tuesday, February 25, 2020 1:30 p.m.
LB1156
LB967

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 909. Title read. Considered.
Committee AM2312, found on page 573, was offered.

SENATOR LINDSTROM PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:
DeBoer - LB1073
Murman - LB147
Dorn - LB1014

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to LB944:
AM2414 (Amendments to Standing Committee amendments, AM2307)

1. Insert the following new sections:
2 Sec. 59. Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,
53, 54, 55, 56, 57, 58, and 60 of this act become operative three
LEGISLATIVE JOURNAL

6 calendar months after adjournment of this legislative session. The other 7 sections of this act become operative on their effective date.

8 Sec. 61. Original section 60-142.01, Reissue Revised Statutes of Nebraska, and section 60-144, Revised Statutes Supplement, 2019, are repealed.

11 Sec. 62. Since an emergency exists, this act takes effect when passed and approved according to law.

13 2. On page 100, line 17, strike "60‑142.01,"; and in line 22 strike "60‑144,"

RESOLUTION(S)

LEGISLATIVE RESOLUTION 320. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Jim and Susanne Blue at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, in 1991, Jim was hired to serve as president of Youth Services System. It merged with Cedars Home for Children in 1996, at which time he became president and chief executive officer of Cedars Home for Children and proceeded to take it to new levels of service and outreach. Cedars Home for Children provides out-of-home services to children and youth who have nowhere else to stay, along with other out-of-home services, prevention planning, and juvenile justice work; and

WHEREAS, in 1999, the Matt Talbot and Outreach board of directors took a leap of faith and hired Susanne Blue as its first executive director, the position she still holds. She accepted the immense challenge of expanding services beyond meeting the basic nutritional needs of families in need. Expanding from just hunger relief, Matt Talbot Kitchen services now include housing, case management, substance abuse counseling, and nutrition programming; and

WHEREAS, Jim received the Lifetime Achievement Award from the National Association of Social Workers in 2015; and

WHEREAS, Susanne was honored in New York City by the Institute for Children, Poverty, and Homelessness (ICPH) where she received the 2020 Beyond Housing Award for her tireless leadership in reducing the impact of homelessness on children and families; and

WHEREAS, Jim directs over 200 employees at Cedars Home for Children providing services to thousands of children and youth. Governor Pete Ricketts has twice appointed Jim to the Nebraska Children's Commission, and he now serves on its executive committee; and

WHEREAS, Susanne has led Matt Talbot Kitchen for 21 years developing many programs designed to comprehensively address the needs of those in need. Matt Talbot Kitchen has served over 2.3 million meals to homeless and near homeless since its founding in 1992; and

WHEREAS, Jim and Susanne have dedicated their lives and talents to serving others in the Lincoln community. They are wonderful examples of
servant leaders who have made tremendous differences in the lives of many youth and adults in Southeast Nebraska; and

WHEREAS, Jim and Susanne have been married 34 years and have two adult children and a feisty Papillon pug.

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

1. That the Legislature congratulates Jim and Susanne Blue 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 Jim Blue and Susanne Blue.

Laid over.

LEGISLATIVE RESOLUTION 321. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Keith and Doris Olsen at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Keith and Doris Olsen have farmed since they were married in 1969 and assumed management of the family's Perkins County farm purchased in 1917. Their love of Nebraska and agriculture has led them to become leaders in no-till, dryland farming and supporting the growth of agriculture in Nebraska; and

WHEREAS, Keith Olsen was born in Imperial in 1944 and raised on the family farm near Venango in the southwest corner of Perkins County. Keith's grandfather bought the original land in 1917, and the farm was recognized by Aksarben as a Centennial Farm in 2017; and

WHEREAS, Keith and Doris met on a blind date when Keith was attending the University of Nebraska-Lincoln and Doris was a student at Immanuel School of Nursing in Omaha. After their marriage in 1969, Doris joined Keith on the Olsen farm where Keith had begun farming in 1967 with his father. Keith and Doris assumed management and operation of the Olsen farm after his father passed away in 1969; and

WHEREAS, Keith, Doris, and their son Jeff, operate a no-till, dryland farm raising wheat, dry peas, and corn. In 2013, the Nebraska Crop Improvement Association recognized them for producing certified seed for 30 years. Using the latest no-till technology has helped them increase the productivity of the farm; and

WHEREAS, Keith served as the president of the Nebraska Farm Bureau Federation from August 2002 to December 2011. He traveled extensively on international trade missions with Nebraska Governors and the American Farm Bureau Federation meeting with foreign officials and farmers to promote opening new markets for Nebraska agricultural products. He also sustains close relationships with city and civic leaders in Lincoln, Omaha, and other communities in Nebraska, to help them understand issues facing rural Nebraska and agriculture; and
WHEREAS, Keith and Doris use their shared passion for agriculture by being involved with Future Farmers of America, 4-H, and the Nebraska Agriculture in the Classroom program. A favorite activity is serving as "Ag in the Classroom" pen pals to kindergarten classes in Lincoln. Each year they visit their class to interact with the young students; and

WHEREAS, Keith and Doris support the Nebraska State Fair and the University of Nebraska, especially the Institute of Agricultural and Natural Resources and the Nebraska College of Technical Agriculture, and have served on department advisory boards and various search committees; and

WHEREAS, Keith and Doris have three sons and eight grandchildren.

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

1. That the Legislature congratulates Keith and Doris Olsen 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 Keith and Doris Olsen.

Laid over.

LEGISLATIVE RESOLUTION 322. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to David G. Brown at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, David G. Brown is president and chief executive officer of the Greater Omaha Chamber since 2003, one of the largest, most highly accredited chambers in the nation and the Association of Chamber of Commerce Executives' (ACCE) 2015 Chamber of the Year; and

WHEREAS, under David's steady leadership, the Greater Omaha Economic Development Partnership has successfully landed more than 850 projects, representing in excess of 40,000 jobs and more than $11 billion in capital investment since 2004; and

WHEREAS, David serves the chamber mission of the Greater Omaha Chamber - to champion a thriving business community and a prosperous region - with bold vision, comprehensive understanding, and contagious enthusiasm; and

WHEREAS, David, along with staff and volunteers of the Greater Omaha Chamber, works in earnest on behalf of more than 3,000 member businesses, encouraging their success by advocating for a strong business climate, creating opportunities for member visibility and business connections, pursuing investment and jobs for the region, strengthening leaders and the community, and enhancing the region's brand and image; and

WHEREAS, David graduated from Dartmouth College, majoring in geography with a minor in environmental studies, played on the 1978 Ivy League championship team, and received the Earl P. Hamilton Award. He
also completed courses at the National Development Council, the American Management Association, Bell Leadership Academy, and Gallup University; and

WHEREAS, David previously served as president of the Monroe County Industrial Development Corporation in Michigan and director of the Port of Monroe. He served the Greater Fort Wayne Chamber of Commerce in Indiana as vice president of economic development and later president. He also served as the president and chief executive officer of the Greater Greenville Chamber of Commerce in South Carolina before coming to Omaha; and

WHEREAS, David contributes considerable time and expertise to numerous community service organizations including the Aksarben Future Trust, Scouts BSA, College World Series of Omaha, Greater Omaha Alliance for Business Ethics, Opera Omaha, the University of Nebraska at Omaha Entrepreneurship Advisory Board, United Way of the Midlands, and the United States Strategic Command Consultation Committee; and

WHEREAS, David serves on the Association of Chamber of Commerce Executives' Executive Board and is currently chairman. He is also a member of the United States Chamber of Commerce Committee of 100; and

WHEREAS, David and his wife Maggie have been married for 37 years and have two sons, Gregory and Elijah.

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

1. That the Legislature congratulates David G. Brown 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 David G. Brown.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 909. Committee AM2312, found on page 573 and considered in this day's Journal, was renewed.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?"

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

Senator Morfeld requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 45:
Voting in the negative, 2:

Clements Lowe

Excused and not voting, 2:

Groene Scheer

The motion to cease debate prevailed with 45 ayes, 2 nays, and 2 excused and not voting.

The committee amendment was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 996.** Title read. Considered.

**SENATOR HILGERS PRESIDING**

Pending.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Moser - LB899
Stinner - LB424

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 238.** Placed on Select File.

(Signed) Julie Slama, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 26, 2020 1:30 p.m.
LB1121
LB1122
LB1005
LR286CA

Thursday, February 27, 2020 1:30 p.m.
LR292CA
LB1022
LB744
LB752

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 984. Placed on General File.

LEGISLATIVE BILL 95. Placed on General File with amendment.
AM2399
1 1. On page 2, line 25, strike "2020" and insert "2022"; and in line
2 29 after the period insert "For purposes of this subsection, a building
3 or structure owned by the state or any state agency for which the
4 construction or repair is completed in phases shall be deemed constructed
5 or repaired on the date the first phase of construction or repair
6 begins."

LEGISLATIVE BILL 800. Placed on General File with amendment.
AM2393
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 18-132, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 18-132 (1) The city council of any city or village board of any
6 village may adopt by ordinance the conditions, provisions, limitations,
7 and terms of a plumbing code, an electrical code, a fire prevention code,
8 a building or construction code, and any other standard code which
9 contains rules and regulations printed as a code in book or pamphlet
10 form, by reference to such code, or portions thereof, alone, without
11 setting forth in the ordinance the conditions, provisions, limitations,
12 and terms of such code. When any such code, or portion thereof, has been
13 incorporated by reference into such ordinance, as provided in this
14 section, it shall have the same force and effect as though it had been
15 written in its entirety in such ordinance without further or additional
16 publication thereof.
17 (2) Not less than one copy of such standard code, or portion
18 thereof, shall be kept for use and examination by the public in the
19 office of the city or village clerk prior to the adoption thereof and as
20 long as such standard code is in effect in such city or village.
21 (3) Any building or construction code implemented under this section
22 shall be adopted and enforced as provided in section 71-6406.
23 (4) If there is no ordinance adopting a plumbing code in effect in a
24 city or village, the 2018 *2009* Uniform Plumbing Code designated
25 accredited by the American National Standards Institute as an American
26 National Standard shall serve as the plumbing code for all the area
27 within the jurisdiction of the city or village. Nothing in this section
28 shall be interpreted as creating an obligation for the city or village to
29 inspect plumbing work done within its jurisdiction to determine
30 compliance with the plumbing code.
31 Sec. 2. Section 18-1915, Reissue Revised Statutes of Nebraska, is
32 amended to read:
33 18-1915 The State of Nebraska shall permit cities and villages to
34 collect permit fees and inspect all sanitary plumbing installed or
35 repaired, except for a single-family dwelling or a farm or ranch
36 structure, within the State of Nebraska outside of the zoning
37 jurisdiction of cities and villages. The city or village nearest the
38 construction site shall have jurisdiction to collect such permit fees and
39 conduct the inspection of the sanitary plumbing. If the city or village
40 has a plumbing ordinance in force and effect, such ordinance will govern
41 the installation of the sanitary plumbing. If there is no city ordinance
42 in effect for such city or village, the 2018 *2009* Uniform Plumbing Code
43 designated accredited by the American National Standards Institute as an
44 American National Standard shall apply to all buildings except single-
45 family dwellings and farm and ranch structures. Any code or ordinance
46 enacted by a city or village which is at least equal to the 2018 *2009*
47 Uniform Plumbing Code designated accredited by the American National
48 Standards Institute as an American National Standard shall take
49 preference over the provisions of the immediately preceding sentence.
50 Sec. 3. Section 23-172, Revised Statutes Cumulative Supplement,
51 2018, is amended to read:
52 23-172 (1) The county board may adopt by resolution, which shall
53 have the force and effect of law, the conditions, provisions,
54 limitations, and terms of a building or construction code, a plumbing
55 code, an electrical code, a fire prevention code, or any other code
56 relating to building or relating to the erection, construction,
57 reconstruction, alteration, repair, conversion, maintenance, placing, or
58 use of any building, structure, automobile trailer, house trailer, or
59 cabin trailer. For this purpose, the county board may adopt any standard
60 code which contains rules or regulations printed as a code in book or
61 pamphlet form by reference to such code or portions thereof without
62 setting forth in the resolution the conditions, provisions, limitations,
63 or terms of such code. When such code or any such standard code or
64 portion thereof is incorporated by reference into such resolution, it
65 shall have the same force and effect as though it had been written in its
66 entirety in such resolution without further or additional publication.
67 (2) Not less than one copy of such code or such standard code or
68 portion thereof shall be kept for use and examination by the public in
69 the office of the clerk of such county prior to the adoption thereof and
70 as long as such standard code is in effect in such county.
71 (3) Any building or construction code implemented under this section
72 shall be adopted and enforced as provided in section 71-6406.
73 (4) If there is no county resolution adopting a plumbing code in
74 effect for such county, the 2018 *2009* Uniform Plumbing Code designated
75 accredited by the American National Standards Institute as an American
76 National Standard shall apply to all buildings.
77 (5) Any code adopted and approved by the county board, as provided
78 in this section, or if there is no county resolution adopting a plumbing
79 code in effect for such county, the 2018 *2009* Uniform Plumbing Code
February, published state edition, or National 637 except sections the construction 2018 statute applies edition, years reference: with adopt, for of reference Section National codes the county, state is edition, such International Section the 19 authorized 18 (b) 17 with 16 (ii) 14 county, 13 or 12 11 10 Sec. 9 Nebraska 7 vehicles 6 state 5 (3) 4 building 2 any 1 specifically adopted, by the American National Standards Institute as an American National Standard, and the building permit requirements or occupancy permit requirements imposed by such code or by sections 23-114.04 and 23-114.05, shall apply to all of the county except within the limits of any incorporated city or village and except within an unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction.

29 (6) Nothing in this section shall be interpreted as creating an obligation for the county to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code. Section 1 Sec. 4, Section 71-6403, Revised Statutes Supplement, 2019, is amended to read:

3 71-6403 (1) There is hereby created the state building code. The Legislature hereby adopts by reference: (a) The International Building Code (IBC), chapter 13 of the 2018 edition, and all but such chapter of the 2018 edition, published by the International Code Council, except that (i) section 305.2.3 applies to a facility having twelve or fewer children and (ii) section 310.4.1 applies to a care facility for twelve or fewer persons, (b) The International Residential Code (IRC), chapter 11 of the 2018 edition, and all but such chapter of the 2018 edition, except section R313, published by the International Code Council; and (c) The International Existing Building Code, 2018 edition, published by the International Code Council.

15 (2) The codes adopted by reference in subsection (1) of this section and the minimum standards for radon resistant new construction adopted under section 76-3504 shall constitute the state building code except as amended pursuant to the Building Construction Act or as otherwise authorized by state law.

20 Sec. 5, Section 71-6405, Reissue Revised Statutes of Nebraska, is amended to read:

22 71-6405 (1) All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. The state building code shall be the legally applicable code in all buildings and structures owned by the state or any state agency regardless of whether the state, state agency, or applicable county, city, or village has provided for the administration or enforcement of the state building code.

30 (2) No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to (a) adopt, promulgate, or enforce any rule or regulation in conflict with the state building code or (b) adopt or enforce a building or construction code other than the state building code.

5 (3) Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act.

10 Sec. 6, Section 71-6406, Revised Statutes Supplement, 2019, is amended to read:

12 71-6406 (1)(a) Any county, city, or village may enact, administer, or enforce a local building or construction code if or as long as such county, city, or village: (i) Adopts the state building code; or (ii) Adopts a building or construction code that conforms generally with the state building code.

15 (b) If a county, city, or village does not adopt a code as authorized under subdivision (a) of this subsection within two years
20 After an update to the state building code, the state building code shall
21 apply in the county, city, or village, except that such code shall not
22 apply to construction on a farm or for farm purposes.
23 (2) A local building or construction code shall be deemed to conform
24 generally with the state building code if it:
25 (a) Adopts a special or differing building standard by amending,
26 modifying, or deleting any portion of the state building code in order to
27 reduce unnecessary costs of construction, increase safety, durability, or
28 efficiency, establish best building or construction practices within the
29 county, city, or village; or address special local conditions within the
30 county, city, or village;
31 (b) Adopts any supplement, new edition, appendix, or component or
32 combination of components of the state building code;
33 (c) Adopts section 305 or 310 of the 2018 edition of the
34 International Building Code without the exceptions described in
35 subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition
36 of the International Residential Code;
37 (d) Adopts a plumbing code, an electrical code, a fire prevention
38 code, or any other standard code as authorized under section 14-419,
39 15-905, 18-132, or 23-172;
40 (e) Adopts a local energy code as authorized under section 81-1618;
41 or
42 (f) Adopts minimum standards for radon resistant new construction
43 which meet the minimum standards adopted under section 76-3504.
44 (3) A local building or construction code shall be deemed to
45 conform generally with the state building code if it:
46 (a) Includes a prior edition of any component or combination of
47 components of the state building code; or
48 (b) Does not include minimum standards for radon resistant new
49 construction that meet the minimum standards adopted under section
50 76-3504.
51 (4) A county, city, or village shall notify the Department of
52 Environment and Energy State Energy Office if it amends or modifies its
53 local building or construction code in such a way as to delete any
54 portion of (a) chapter 13 of the 2018 edition of the International
55 Building Code or (b) chapter 11 of the 2018 edition of the International
56 Residential Code. The notification shall be made within thirty days after
57 the adoption of such amendment or modification.
58 (5) A county, city, or village shall not adopt or enforce a local
59 building or construction code other than as provided by this section.
60 (6) A county, city, or village which adopts or enforces a local
61 building or construction code under this section shall regularly update
62 its code. For purposes of this section, a code shall be deemed to be
63 regularly updated if the most recently enacted state building code or a
64 code that conforms generally with the state building code is adopted by
65 the county, city, or village within two years after an update to the
66 state building code.
67 (7) A county, city, or village may adopt amendments for the proper
68 administration and enforcement of its local building or construction code
69 including organization of enforcement, qualifications of staff members,
70 examination of plans, inspections, appeals, permits, and fees. Any
71 amendment adopted pursuant to this section shall be published separately
72 from the local building or construction code. Any local building or
73 construction code adopted under subdivision (1)(a) of this section or the
74 state building code if applicable under subdivision (1)(b) of this
75 section shall be the legally applicable code regardless of whether the
76 county, city, or village has provided for the administration or
77 enforcement of its local building or construction code under this
78 subsection.
79 (8) A county, city, or village which adopts one or more standard
18 codes as part of its local building or construction code under this
19 section shall keep at least one copy of each adopted code, or portion
20 thereof, for use and examination by the public in the office of the clerk
21 of the county, city, or village prior to the adoption of the code and as
22 long as such code is in effect.
23 (9) Notwithstanding the provisions of the Building Construction Act,
24 a public building of any political subdivision shall be built in
25 accordance with the applicable local building or construction code. Fees,
26 if any, for services which monitor a builder's application of codes shall
27 be negotiable between the political subdivisions involved, but such fees
28 shall not exceed the actual expenses incurred by the county, city, or
29 village doing the monitoring.
30 Sec. 7. This act becomes operative on July 1, 2020.
31 Sec. 8. Original sections 18-1915 and 71-6405, Reissue Revised
1 Statutes of Nebraska, sections 18-132 and 23-172, Revised Statutes
2 Cumulative Supplement, 2018, and sections 71-6403 and 71-6406, Revised
3 Statutes Supplement, 2019, are repealed.
4 Sec. 9. Since an emergency exists, this act takes effect when
5 passed and approved according to law.

LEGISLATIVE BILL 870. Placed on General File with amendment.
AM2182
1. On page 3, lines 18 through 24, strike the new matter and
2. reinstate the stricken matter.

(Signed) Justin Wayne, Chairperson
Health and Human Services

LEGISLATIVE BILL 849. Placed on General File with amendment.
AM2149
1. On page 2, lines 4 and 10, after "state" insert "or tribal"; and
2. strike beginning with "become" in line 16 through "age" in line 18 and
3. insert "attained the age of majority under tribal law.

LEGISLATIVE BILL 1061. Placed on General File with amendment.
AM2417
1. Insert the following new section:
2 Sec. 8. Section 43-4203, Revised Statutes Supplement, 2019, is
3 amended to read:
4 43-4203 (1) The Nebraska Children's Commission shall create a
5 committee to examine state policy regarding the prescription of
6 psychotropic drugs for children who are wards of the state and the
7 administration of such drugs to such children. Such committee shall
8 review the policy and procedures for prescribing and administering such
9 drugs and make recommendations to the commission for changes in such
10 policy and procedures.
11 (1) (2) The Nebraska Children's Commission together with the
12 committee to examine the Office of Juvenile Services and the Juvenile
13 Services Division of the Office of Probation Administration. Such
14 committee shall review the role and effectiveness of out-of-home
15 placements utilized in the juvenile justice system, including the youth
16 rehabilitation and treatment centers, and make recommendations to the
17 commission on the juvenile justice continuum of care, including what
18 populations should be served in out-of-home placements and what treatment
19 services should be provided at the centers in order to appropriately
20 serve those populations. Such committee shall also review how mental and
21 behavioral health services are provided to juveniles in residential
22 placements and the need for such services throughout Nebraska and make
23 recommendations to the commission relating to those systems of care in
24 the juvenile justice system. The committee shall collaborate with the
25 Juvenile Justice Institute at the University of Nebraska at Omaha, the
26 Center for Health Policy at the University of Nebraska Medical Center,
27 the behavioral health regions as established in section 71-807, and state
28 and national juvenile justice experts to develop recommendations. The
29 recommendations shall include a plan to implement a continuum of care in
30 the juvenile justice system to meet the needs of Nebraska families,
31 including specific recommendations for the rehabilitation and treatment
32 model. The recommendations shall be delivered to the commission and
33 electronically to the Judiciary Committee of the Legislature annually by
34 September 1.
35 (d) The commission shall collaborate with juvenile justice
36 specialists of the Office of Probation Administration and county
37 officials with respect to any county-operated practice model
38 participating in the Crossover Youth Program of the Center for Juvenile
39 Reform at Georgetown University.
40 (3) The commission shall analyze case management workforce
41 issues and make recommendations to the Health and Human Services
42 Committee of the Legislature regarding:
43 (a) Salary comparisons with other states and the current pay
44 structure based on job descriptions;
45 (b) Utilization of incentives for persons who work in the area of
46 child welfare;
47 (c) Evidence-based training requirements for persons who work in the
48 area of child welfare and their supervisors; and
49 (d) Collaboration with the University of Nebraska to increase and
50 sustain such workforce.
51 (4) The Foster Care Reimbursement Rate Committee created
52 pursuant to section 43-4216, the Nebraska Strengthening Families Act
53 Committee created pursuant to section 43-4716, and the Bridge to
54 Independence Advisory Committee created pursuant to section 43-4513 shall
55 be under the jurisdiction of the commission.
56 (5) The commission shall work with the office of the State Court
57 Administrator, as appropriate, and entities which coordinate facilitated
58 conferencing as described in section 43-247.03.
59 (6) The commission shall work with administrators from each of
60 the service areas designated pursuant to section 81-3116, the teams
61 created pursuant to section 28-728, local foster care review boards,
62 child advocacy centers, the teams created pursuant to the Supreme Court's
63 Through the Eyes of the Child Initiative, community stakeholders, and
64 advisory committees for child welfare programs and services to establish networks
65 in each of such service areas. Such networks shall permit collaboration
66 to strengthen the continuum of services available to child welfare
67 agencies and to provide resources for children and juveniles outside the
68 child protection system.
69 (7) The commission may organize subcommittees as it deems
70 necessary. Members of the subcommittees may be members of the commission
71 or may be individuals who have knowledge of the subcommittee's subject
72 matter, professional expertise to assist the subcommittee in completing
73 its assigned responsibilities, or the ability to collaborate within the
74 subcommittee and with the commission to carry out the powers and duties
75 of the commission. A subcommittee shall meet as necessary to complete the
76 work delegated by the commission and shall report its findings to the
77 relevant committee within the commission.
78 (8) No member of any committee or subcommittee created pursuant
79 to this section shall have any private financial interest, profit, or
80 benefit from any work of such committee or subcommittee.
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1. Strike original sections 3, 16, and 17 and insert the following
2 new sections.
3 Sec. 10. Insurer means an entity that contracts to provide,
4 deliver, arrange for, pay for, or reimburse any of the costs of health
5 care services under a health benefits plan, including (1) any individual
6 or group sickness and accident insurance policy or subscriber contract
7 delivered, issued for delivery, or renewed in this state and any
8 hospital, medical, or surgical expense-insured policy, except for a
9 policy that provides coverage for a specified disease or other limited-
10 benefit coverage, and (2) any self-funded employee benefit plan to the
11 extent not preempted by federal law.
12 Sec. 16. (1) If a covered person receives emergency services at an
13 in-network or out-of-network health care facility, the insurer shall
14 ensure that the covered person incurs no greater out-of-pocket costs than
15 the covered person would have incurred with an in-network health care
16 provider for covered services.
17 (2) With respect to emergency services at an in-network or out-of-
18 network health care facility, if the out-of-network health care provider
19 bills an insurer directly, any reimbursement paid by the insurer shall be
20 paid directly to the out-of-network health care provider. The insurer
21 shall provide the out-of-network health care provider with a written
22 remittance of payment that specifies the proposed reimbursement and the
23 applicable deductible, copayment, or coinsurance amounts owed by the
24 covered person.
25 (3) If emergency services provided at an in-network or out-of-
26 network health care facility are performed, the out-of-network health
27 care provider may bill the insurer for the services rendered. The insurer
28 may pay the billed amount. A claim or a payment shall be presumed
29 reasonable if it is based on the higher of (a) the contracted rate under
30 any then-existing in-network contractual relationship between the insurer
31 and the out-of-network health care provider for the same or similar
32 services or (b) one hundred seventy-five percent of the payment rate for
33 medicare services received from the federal Centers for Medicare and
34 Medicaid Services for the same or similar services in the same geographic
35 area. If the out-of-network health care provider deems the payment made
36 by the insurer unreasonable, the out-of-network health care provider
37 shall return payment to the insurer and utilize the dispute resolution
38 procedure under section 17 of this act.
39 Sec. 17. (1) If an insurer or an out-of-network health care
40 provider provides notification that it considers a claim or payment to be
41 not reasonable, the insurer and the health care provider shall have
42 thirty days after the date of such notification to negotiate a
43 settlement. If a settlement has not been reached after such thirty-day
44 period, the insurer and the health care provider shall engage in
45 mediation in accordance with the Uniform Mediation Act. The insurer may
46 attempt to negotiate a final reimbursement amount with the out-of-network

(Signed) Sara Howard, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 997. Placed on General File with amendment.
AM2431

1 1. Strike original sections 3, 16, and 17 and insert the following
2 new sections.
3 Sec. 10. Insurer means an entity that contracts to provide,
4 deliver, arrange for, pay for, or reimburse any of the costs of health
5 care services under a health benefits plan, including (1) any individual
6 or group sickness and accident insurance policy or subscriber contract
7 delivered, issued for delivery, or renewed in this state and any
8 hospital, medical, or surgical expense-insured policy, except for a
9 policy that provides coverage for a specified disease or other limited-
10 benefit coverage, and (2) any self-funded employee benefit plan to the
11 extent not preempted by federal law.
12 Sec. 16. (1) If a covered person receives emergency services at an
13 in-network or out-of-network health care facility, the insurer shall
14 ensure that the covered person incurs no greater out-of-pocket costs than
15 the covered person would have incurred with an in-network health care
16 provider for covered services.
17 (2) With respect to emergency services at an in-network or out-of-
18 network health care facility, if the out-of-network health care provider
19 bills an insurer directly, any reimbursement paid by the insurer shall be
20 paid directly to the out-of-network health care provider. The insurer
21 shall provide the out-of-network health care provider with a written
22 remittance of payment that specifies the proposed reimbursement and the
23 applicable deductible, copayment, or coinsurance amounts owed by the
24 covered person.
25 (3) If emergency services provided at an in-network or out-of-
26 network health care facility are performed, the out-of-network health
27 care provider may bill the insurer for the services rendered. The insurer
28 may pay the billed amount. A claim or a payment shall be presumed
29 reasonable if it is based on the higher of (a) the contracted rate under
30 any then-existing in-network contractual relationship between the insurer
31 and the out-of-network health care provider for the same or similar
32 services or (b) one hundred seventy-five percent of the payment rate for
33 medicare services received from the federal Centers for Medicare and
34 Medicaid Services for the same or similar services in the same geographic
35 area. If the out-of-network health care provider deems the payment made
36 by the insurer unreasonable, the out-of-network health care provider
37 shall return payment to the insurer and utilize the dispute resolution
38 procedure under section 17 of this act.
39 Sec. 17. (1) If an insurer or an out-of-network health care
40 provider provides notification that it considers a claim or payment to be
41 not reasonable, the insurer and the health care provider shall have
42 thirty days after the date of such notification to negotiate a
43 settlement. If a settlement has not been reached after such thirty-day
44 period, the insurer and the health care provider shall engage in
45 mediation in accordance with the Uniform Mediation Act. The insurer may
46 attempt to negotiate a final reimbursement amount with the out-of-network


20 health care provider which differs from the amount paid by the insurer
21 pursuant to this section.
22 (2) Following completion of the mediation process, the cost of
23 mediation shall be split evenly and paid by the insurer and the health
24 care provider.
25 (3) Mediation shall not be used when the insurer and the health care
26 provider agree to a separate payment arrangement.
27 2. On page 2, lines 8 and 27 and 28, strike "a carrier" and insert
28 "an insurer".
29 3. Renumber the remaining sections accordingly.

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Slama filed the following amendment to LB790:

AM2436

1 1. Strike original section 4 and insert the following new sections:
2 2. Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 13-2904 (1) Notwithstanding the procedures for public lettings in
5 sections 73-101 to 73-106 or any other statute relating to the letting of
6 bids by a political subdivision, a political subdivision which follows
7 the Political Subdivisions Construction Alternatives Act may solicit and
8 execute a design-build contract or a construction management at risk
9 contract.
10 (2) The governing body of the political subdivision shall adopt a
11 resolution selecting the design-build contract or construction management
12 at risk contract delivery system provided under the act prior to
13 proceeding with the provisions of sections 13-2905 to 13-2914. The
14 resolution shall require the affirmative vote of at least two-thirds of
15 the governing body of the political subdivision. The resolution shall
16 include a statement that the political subdivision has made a
17 determination that the design-build contract or construction management
18 at risk contract delivery system is in the public interest based, at a
19 minimum, on one of the following criteria: (a) Savings in cost or time;
20 or (b) requirement of specialized or complex construction methods
21 suitable for the design-build contract or construction management at risk
22 contract delivery system.
23 2. Section 13-2914, Revised Statutes Supplement, 2019, is
24 amended to read:
25 13-2914 (1) A political subdivision shall not use a design-build
26 contract or construction management at risk contract under the Political
27 Subdivisions Construction Alternatives Act for a project, in whole or in
28 part, for road, street, or highway, water, wastewater, utility, or sewer
29 construction, whereby the city of the metropolitan class may use a design-
30 build contract or construction management at risk contract under the
31 Political Subdivisions Construction Alternatives Act for the purpose of
32 complying with state or federal requirements to control or minimize
33 overflows from combined sewers.
34 (3) A political subdivision may use a design-build contract or
35 construction management at risk contract under the Political Subdivisions
36 Construction Alternatives Act for a project, in whole or in part, for
37 water, wastewater, utility, or sewer construction.
38 Sec. 3. Original sections 13-2904, 73-507, 81-753, and 81-1118.06,
39 Revised Statutes of Nebraska, and section 13-2914, Revised
40 Statutes Supplement, 2019, are repealed.
41 2. Renumber the remaining sections accordingly.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 323. Introduced by Lindstrom, 18.

WHEREAS, Sage Kehr of Omaha, Nebraska, and a student at Omaha North High Magnet School, has achieved national recognition for exemplary volunteer service by receiving a 2020 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Kehr earned this award by giving generously of his time and energy by regularly volunteering his time on his high school's student council. As co-fundraising officer and vice president, he helped raise more than $12,000 for the Make-A-Wish Foundation and delivered more than 150 Thanksgiving dinners to families in need; and

WHEREAS, Mr. Kehr is also a member of the youth advisory board for Memories For Kids, a nonprofit organization for children who have a parent with terminal cancer; and

WHEREAS, the success of the State of Nebraska, the strength of Nebraska communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Kehr who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Sage Kehr as a recipient of the Prudential Spirit of Community Award.

2. That the Legislature recognizes Mr. Kehr's outstanding record of volunteer service, peer leadership, and community spirit.

3. That a copy of this resolution be sent to Sage Kehr.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Government, Military and Veterans Affairs - LB790 and LB1055

GENERAL FILE

LEGISLATIVE BILL 996. Senator Hunt offered the following motion:

MO151

Recommit to Transportation and Telecommunications Committee.

Senator Hunt withdrew her motion to recommit to committee.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue
Room 1524

Wednesday, February 26, 2020 1:30 p.m.
LB1162
LB1175
LB1214
LB1220
LB946

Thursday, February 27, 2020 1:30 p.m.
LB1012
LB1125
LB1192
LB1212
LB1213

(Signed) Lou Ann Linehan, Chairperson

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

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

Senator Albrecht name added to LB879.
Senator Blood name added to LB909.
Senator McDonnell name added to LB962.
Senator Hunt name added to LB996.
Senator Blood name added to LB996.
Senator Albrecht name added to LB998.

**VISITOR(S)**

Visitors to the Chamber were students from Wahoo Elementary; and a group from Leadership Lincoln County from North Platte.

The Doctor of the Day was Dr. David Hoelting from Pender.
ADJOURNMENT

At 11:49 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Father Mike Swanton, St. Bonaventure's Catholic Church, Columbus.

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 Geist who was excused; and Senators B. Hansen, Hunt, Morfeld, and Wishart who were excused until they arrive.

SENATOR HILGERS PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 283. Placed on General File with amendment.

AM2481

1. Strike original section 1 and insert the following new section:
2. Section 1. The Legislature finds that:
3. (1) Pests, drought, floods, high winds, and other extreme weather events present serious, diverse, and ongoing issues for Nebraska. Many sectors and resources are impacted by such extreme weather, including agriculture, water, health care, energy generation and usage, ecosystems, forestry, rural and urban communities, transportation, and commerce and industry. Nebraska's life-giving water and soil resources continue to be subject to new stressors and risks;
4. (2) Opportunities exist for the people of Nebraska to respond appropriately to these risks, including economic opportunities through development of renewable energy from our abundant wind and solar resources, biofuels, and nuclear power, through reduction of pollutants,
through efforts to reduce the use of fossil fuels, through strengthened private property rights by having public input on infrastructure and reduced eminent domain use, and through development of new technologies, new agricultural crops and harvesting methods, and new products that match Nebraska's vibrant and changing needs and resources;

19 (3) The report Understanding and Assessing Climate Change: Implications for Nebraska, University of Nebraska-Lincoln, 2014, provides a fundamental basis for understanding the impacts of extreme weather events or climate change for our state;

23 (4) The 2015 Nebraska Rural Poll found that sixty-one percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of extreme weather events or climate change;

26 (5) Appropriate planning is needed to develop strategies to mitigate and adapt to the impacts of extreme weather events or climate change on the health and well-being of Nebraskans;

27 (6) The state must invest in research and data gathering, planning, education, and coordination of efforts related to mitigation of and adaptation to the impacts of extreme weather events or climate change;

67 (7) An effective plan to meet the challenges of extreme weather events or climate change will enable the state and its communities to take advantage of opportunities resulting from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska, as well as reducing the potential negative impacts of extreme weather events or climate change.

12 2. On page 3, line 28, after "impacts" insert "of extreme weather events or" and after "change" insert an underscored comma.


(Signed) Mike Hilgers, Chairperson

Education

LEGISLATIVE BILL 1083. Placed on General File with amendment.

AM2454

11. Strike the original sections and insert the following new sections:

3 Section 1. Section 85-2802, Revised Statutes Supplement, 2019, is amended to read:

4 (1) Eligible educational institution has the same meaning as in section 85-1802;

5 (2) Nebraska educational savings plan trust has the same meaning as in section 85-1802;

6 (3) Qualified higher education expenses has the same meaning as in section 85-1802;

7 (4) Qualified individual means an individual born on or after January 1, 2020, who is a resident of this state at the time of birth;

8 and

9 (5) Qualified private contribution means a contribution from an individual or private entity which is made for the purpose of providing a

10 an ongoing source of funding for the Meadowlark Program established in section 85-2804.

11 Sec. 2. Section 85-2803, Revised Statutes Supplement, 2019, is amended to read:

12 85-2803 (1) There is hereby established in the state treasury a trust fund to be known as the Meadowlark Endowment Fund. The fund shall be administered by the State Treasurer and shall consist of qualified
24 private contributions and any amounts appropriated or transferred to the
25 fund by the Legislature. No General Funds shall be transferred to the
26 Meadowlark Endowment Fund. Any money in the fund available for investment
27 shall be invested by the state investment officer pursuant to the
28 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
29 Act. No portion of the principal of the fund shall be expended for any
30 purpose except investment pursuant to this subsection.
31 (2) The State Treasurer may shall accept qualified private
32 contributions and shall credit all such contributions received either to
33 the Meadowlark Endowment Fund or to accounts opened under the Meadowlark
34 Program, at the direction of the donor. The State Treasurer shall
35 determine the total amount of qualified private contributions received
36 under this subsection and shall transfer an equal amount from the College
37 Savings Plan Expense Fund or the Unclaimed Property Escheat Trust Fund, or
38 to accounts opened under the Meadowlark Program. The amount transferred
39 by the State Treasurer from the College Savings Plan Expense Fund or the
40 Unclaimed Property Escheat Trust Fund shall be equally distributed across
41 all Meadowlark accounts opened in such year.
42 Sec. 3. Original sections 85-2802 and 85-2803, Revised Statutes
43 Supplement, 2019, are repealed.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 26, 2020 1:30 p.m.
Dion J. Neumiller - Board of Emergency Medical Services
John L. Kuehn - State Board of Health
LB1044
LB838
LB1170
LB1182

(Signed) Sara Howard, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:
Walz - LB956
February 14, 2020

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 Racing Commission:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718

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 14, 2020

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 Environmental Trust Board:

Felix B. Davidson, 83 Peppermill Point, Valley, NE 68064

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 14, 2020

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

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

Marjean C. Terrell, 4412 436th Trail, Hay Springs, NE 69347

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 14, 2020

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 Board of Health:

Daniel J. Rosenthal, P.E., 7211 Woody Creek Lane, 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
February 18, 2020

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 Public Roads Classifications and Standards:

Steven D. Rames, 1900 Claycomb Road, Wayne, NE 68787

Also, contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506
John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116
Lisa Kramer, 13263 County Road 38, Kennard, NE 68034
Darold E. Tagge, 204 W. 15 Avenue, Holdrege, NE 68983
Timothy W. Weander, 17734 Castelar Circle, Omaha, NE 68130

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 18, 2020

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 Rural Health Advisory Commission:

April J. Dexter, 84866 477th Avenue, Amelia, NE 68711
Martin L. Fattig, 73091 643A Avenue, Auburn, NE 68305
Jessye A. Goertz, 74983 Highway 2, Berwyn, NE 68814
Benjamin R. Iske, 1006 Main Street, Bridgeport, NE 69336
Lynette D. Kramer, 2612 Hill View Drive, Albion, NE 68620
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 18, 2020

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 Emergency Medical Services:

Carolyn Petersen, 421 N. Valentine 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

February 18, 2020

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 Oil and Gas Commission:

Dallen R. Juelfs, 1301 S. 50th Street, Lincoln, NE 68510

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

GENERAL FILE

LEGISLATIVE BILL 974. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM2433, found on page 614, was offered.

Senator Chambers offered the following motion:
MO152
Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Pansing Brooks offered the following motion:
MO153
Bracket until April 23, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

Senator Linehan offered the following amendment to the committee amendment:
AM2500 (Amendments to Standing Committee amendments, AM2433)
1 1. On page 9, lines 2 and 6, strike "each", show as stricken, and
2 insert "any".

SENATOR LINDSTROM PRESIDING

SENATOR HUNT PRESIDING

Pending.

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 344. Placed on General File with amendment.
AM2486 is available in the Bill Room.

(Signed) Steve Halloran, Chairperson
Senator Linehan filed the following amendment to LB974:

**AM2499**

(Amendments to Standing Committee amendments, AM2433)

1. On page 1, line 10, strike "its".

Senator La Grone filed the following amendments to LB974:

**AM2521**

1. Strike section 7.
2. Renumber the remaining sections, correct internal references, and
3. correct the repealer accordingly.

**AM2520**

2. Renumber the remaining sections, correct internal references, and
3. correct the repealer accordingly.

**AM2519**

1. Strike section 5.
2. Renumber the remaining sections, correct internal references, and
3. correct the repealer accordingly.

**AM2518**

2. Renumber the remaining sections, correct internal references, and
3. correct the repealer accordingly.

Senator M. Hansen filed the following amendment to LB720:

**AM2453**

(Amendments to AM2207)

1. Strike section 10 and insert the following new section:
2. Sec. 57. For purposes of the Key Employer and Jobs Retention Act:
3. (1) Hours worked by part-time employees shall not be considered for
4. purposes of determining the number of full-time employees; and
5. (2) Only full-time employees, as defined and described in section
6. 4980H of the Internal Revenue Code of 1986, as amended, and the
7. regulations for such section, shall be included in the calculation of
8. total hours paid.
9. 2. On page 3, strike lines 10 through 28 and insert "the number of
10. full-time employees that are employed at the qualified location or
11. locations during a year that are in excess of the number of full-time
12. employees during the base year, not to exceed the number of full-time
13. employees employed at the qualified location or locations during a year
14. who are not base-year employees, who meet the health coverage requirement
15. of subsection (7) of this section, and who are paid wages at a rate equal
16. to at least one hundred fifty percent of the Nebraska statewide average
17. hourly wage for the year of application;"); and strike beginning with
18. "lesser" in line 30 through line 31 and insert "number of full-time
19. employees that are employed at the qualified location or locations during
20. a year that are in excess of the number of full-time employees during the
21. base year, not to exceed the number of full-time employees employed at
22. the qualified location or locations during a year who are not base-year
23. employees, who meet the health coverage requirement of subsection (7) of
24. this section, and who are paid wages at a rate equal to at least ninety
25. percent of the Nebraska statewide average hourly wage for the year of
26. application.".
RESOLUTION(S)

LEGISLATIVE RESOLUTION 324. Introduced by Bolz, 29; Slama, 1.

WHEREAS, Ken Malone began teaching agricultural education in 1976; and
WHEREAS, Mr. Malone has been the agriculture educator, welding instructor, and FFA advisor at Palmyra High School since 1988; and
WHEREAS, Mr. Malone has been instrumental in using distance education to extend his agricultural education lessons beyond Palmyra High School; and
WHEREAS, Mr. Malone served as the anaphylaxis and asthma team coordinator and the CPR training coordinator and monitor at Palmyra High School; and

WHEREAS, Mr. Malone was selected as the Nebraska Farm Bureau FFA Advisor at the state FFA convention in 2014; and

WHEREAS, Mr. Malone was named Educator of the Year in 2016 by the Nebraska Association of Resources Districts, where he has also served as the State Land Judging Coordinator for over 25 years; and

WHEREAS, Mr. Malone has given back to his community as an emergency medical technician in the Palmyra Fire and Rescue Department and by serving on the Palmyra Planning and Zoning Commission; and

WHEREAS, Mr. Malone has taught thousands of students at Palmyra High School and has made true and lasting contributions to Nebraska's agricultural industry; and

WHEREAS, Mr. Malone has instilled a sense of community service and leadership skills in his students that has served them throughout their education and careers; and

WHEREAS, Mr. Malone will retire at the conclusion of the 2019-2020 school year.

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

1. That the Legislature thanks Ken Malone for 44 years in education and wishes him well in retirement.

2. That copies of this resolution be sent to Ken Malone and Palmyra High School.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Pansing Brooks - LB627
Wishart - LB1052
Executive Board - LB681
Erdman - LR300CA
Banking, Commerce and Insurance - LB774
Williams - LB808
M. Hansen - LB881

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Davidson, Felix B. - Nebraska Environmental Trust Board - Natural Resources
Dexter, April J. - Nebraska Rural Health Advisory Commission - Health and Human Services
Fattig, Martin L. - Nebraska Rural Health Advisory Commission - Health and Human Services
Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Goertz, Jessye A. - Nebraska Rural Health Advisory Commission - Health and Human Services
Greckel, Shane - State Racing Commission - General Affairs
Iske, Benjamin R. - Nebraska Rural Health Advisory Commission - Health and Human Services
Juelfs, Dallen R. - Oil and Gas Conservation Commission - Natural Resources
Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Kramer, Lisa - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Kramer, Lynette D. - Nebraska Rural Health Advisory Commission - Health and Human Services
Petersen, Carolyn - Board of Emergency Medical Services - Health and Human Services
Rames, Steven D. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Rosenthal, Daniel J. - State Board of Health - Health and Human Services
Tagge, Darold E. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Terrell, Marjean C. - Board of Trustees of the Nebraska State Colleges - Education
Weander, Timothy W. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

(Signed) Mike Hilgers, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1003.
Senator Brewer name added to LB1202.
Senator Halloran name added to LB1202.
Senator Hunt name added to LR280CA.

VISITOR(S)

Visitors to the Chamber were a group from Leadership York; a group from Leadership Beatrice; students from Lincoln North Star; students and teacher from Mount Michael Benedictine School, Elkhorn; and a group from the American Federation for Children Future Leaders Fellowship.
The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 11:46 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature
LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 2020

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., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Howard, Morfeld, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 909. Placed on Select File with amendment.

Enrollment Report 909.

1. In the Standing Committee amendments, AM2312, on page 2, line 1, strike the new matter and insert "as a deputy director, a counsel, an attorney, or a financial".

2. On page 1, strike beginning with "finance" in line 1 through line 5, insert "banking and finance; to amend sections 8-224.01, 30-3205, 45-191.02, 45-191.09, 45-601, 45-602, 45-605, 45-606, 45-609, 45-610, 45-611, 45-620, 45-623, 45-905, 45-906, 45-912, 45-915, 45-1017, 45-1033, 45-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103, 9-8-141, 8-167, 45-901, 45-902, 45-910, 45-911, 52-1308, and 59-1722, 10 Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1103, 8 and 9-911, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, 69-2112, 77-2398, 13 and 77-23,100, Revised Statutes Supplement, 2019, section 9-513A, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018, and 15 section 4A-108, Uniform Commercial Code, Revised Statutes Supplement,
16 to change financial institution loan provisions relating to 
17 Department of Banking and Finance employees; to redefine a term and 
18 update a federal reference relating to loan limits; to update and change 
19 references to certain federal provisions under the Nebraska Banking Act, 
20 building and loan association provisions, the Securities Act of Nebraska, 
21 the Commodity Code, the Seller-Assisted Marketing Plan Act, and the 
22 Consumer Rental Purchase Agreement Act; to eliminate a bank reporting 
23 notice requirement and exemption; to redefine terms under the Securities 
24 Act of Nebraska; to revise powers of state-chartered banks, building and 
25 loan associations, and credit unions; to authorize financial institutions 
26 to place a hold on certain customer transactions in cases of financial 
27 exploitation; to provide exceptions from certain prohibited investments 
1 and authorize investments in certain securities, shares, and interests by 
2 trust companies; to change obsolete civil penalty provisions; to change 
3 the fund for remittance of loan broker filing fees; to authorize 
4 licensees under the Collection Agency Act to be licensed and registered 
5 through the Nationwide Mortgage Licensing System and Registry, define and 
6 redefine terms, and change certain fee and license renewal provisions; to 
7 update a definition, define a term, add a processing fee, and change 
8 licensing provisions under the Delayed Deposit Services Licensing Act; to 
9 change provisions relating to examinations under the Nebraska Installment 
10 Loan Act; to change provisions relating to farm product liens and actions 
11 relating to termination statements; to change provisions relating to 
12 secured deposits and pooled collateral and change reporting requirements 
13 under the Public Funds Deposit Security Act; to harmonize provisions; to 
14 provide operative dates; to repeal the original sections; to outright 
15 repeal section 8-167.01, Revised Statutes Supplement, 2019; and to 
16 declare an emergency."

LEGISLATIVE BILL 996. Placed on Select File.

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 287, 310, 310A, 381, 387, 541, 643, 734, and 
734A were received in my office on February 13, 2020. 
These bills were signed and delivered to the Secretary of State on 

Sincerely,

(Signed) Pete Ricketts
Governor
ANNOUNCEMENT(S)

Priority designation(s) received:

Clements - LB870
Slama - LR288

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB816:

AM2498

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

3 Section 1. Section 69-2402, Reissue Revised Statutes of Nebraska, is amended to read:
5 69-2402 For purposes of sections 69-2401 to 69-2425 and section 8 of 6 this act:
7 1 (1) Antique handgun or pistol means any handgun or pistol, including 8 those with a matchlock, flintlock, percussion cap, or similar type of 9 ignition system, manufactured in or before 1898 and any replica of such a 10 handgun or pistol if such replica (a) is not designed or redesigned for 11 using rimfire or conventional centerfire fixed ammunition or (b) uses 12 rimfire or conventional centerfire fixed ammunition which is no longer 13 manufactured in the United States and which is not readily available in 14 the ordinary channels of commercial trade;
15 2 (2) Criminal history record check includes a check of the criminal 16 history records of the Nebraska State Patrol and a check of the Federal 17 Bureau of Investigation's National Instant Criminal Background Check 18 System;
19 3 (3) Firearm-related disability means a person is not permitted to 20 (a) purchase, possess, ship, transport, or receive a firearm under either 21 state or federal law, (b) obtain a certificate to purchase, lease, rent, 22 or receive transfer of a handgun under section 69-2404, or (c) obtain a 23 permit to carry a concealed handgun under the Concealed Handgun Permit 24 Act; and 25 4 (4) Handgun means any firearm with a barrel less than sixteen inches 26 in length or any firearm designed to be held and fired by the use of a 27 single hand.

1 Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is amended to read:
3 69-2404 Any person desiring to purchase, lease, rent, or receive 4 transfer of a handgun shall apply with the chief of police or sheriff of 5 the applicant's place of residence for a certificate. The application may 6 be made in person or by mail. The application form and certificate shall 7 be made on forms approved by the Superintendent of Law Enforcement and 8 Public Safety. The application shall include the applicant's full name, 9 address, date of birth, and country of citizenship. If the applicant is 10 not a United States citizen, the application shall include the 11 applicant's place of birth and his or her alien or admission number. If 12 the application is made in person, the applicant shall also present a 13 current Nebraska motor vehicle operator's license, state identification 14 card, or military identification card, or if the application is made by 15 mail, the application form shall describe the license or card used for 16 identification and be notarized by a notary public who has verified the 17 identification of the applicant through such a license or card. An 18 applicant shall receive a certificate if he or she is twenty-one years of 19 age or older and is not prohibited from purchasing or possessing a 20 handgun by 18 U.S.C. 922. A fee of five dollars shall be charged for
21 each application for a certificate to cover the cost of a criminal
22 history record check.
23 Sec. 3. Section 69-2405, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 69-2405. (1) Upon the receipt of an application for a certificate,
26 the chief of police or sheriff shall issue a certificate or deny a
27 certificate and furnish the applicant the specific reasons for the denial
28 in writing. The chief of police or sheriff shall be permitted up to five
29 three days in which to conduct an investigation to determine whether the
30 applicant is prohibited by law from purchasing or possessing a handgun.
31 If the certificate or denial is mailed to the applicant, it shall be
32 mailed to the applicant's address by first-class mail within the five-day
33 three day period but no sooner than forty-eight hours after receipt of
34 the application. If it is determined that the purchase or possession of a
35 handgun by the applicant would be in violation of applicable federal,
36 state, or local law, the chief of police or sheriff shall deny the
37 certificate.
38 (2) In computing the five-day three day period, the day of receipt
39 of the application shall not be included and the last day of the five-day
40 three day period shall be included. The five-day three day period shall
41 expire at 11:59 p.m. of the fifth day unless it is a Saturday,
42 Sunday, or legal holiday in which event the period shall run until 11:59
43 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.
44 (3)(a) Subject to subdivision (3)(b) of this, no later than the
45 end of the five-day three day period the chief of police or sheriff shall
46 issue or deny such certificate and, if the certificate is denied, furnish
47 the applicant the specific reasons for denial in writing.
48 (b) A certificate shall not be issued sooner than forty-eight hours
49 after receipt of the application.
50 (4) When issuing any certificate under this section, the chief of
51 police or sheriff shall include with the certificate informational
52 materials regarding suicide prevention and firearm safety. Such materials
53 shall provide evidence-based information aligned with best practices in
54 suicide prevention.
55 (5) No civil liability shall arise to any law enforcement agency if
56 such law enforcement agency complies with sections 69-2401, 69-2403 to
57 69-2408, and 69-2409.01.
58 27 Sec. 4. Section 69-2406, Reissue Revised Statutes of Nebraska, is
59 amended to read:
60 69-2406. Any person who is denied a certificate, whose certificate is
61 revoked, or who has not been issued a certificate upon expiration of the
62 five-day three day period in section 69-2405 may appeal within ten days
63 of receipt of the denial or revocation to the county court of the county
64 of the applicant's place of residence. The appeal shall be filed within
65 ten days after receipt of the denial or revocation or, in the case of a
66 certificate not issued within the five-day period in section 69-2405,
67 within ten days after expiration of such period. The applicant shall file
68 with the court the specific reasons for the denial or revocation by the
69 chief of police or sheriff and pay a filing fee of ten dollars in lieu of
70 any other filing fee required by law. The court shall issue its decision
71 within thirty days of the filing of the appeal.
72 30 Sec. 5. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is
73 amended to read:
74 69-2409.01. (1) For purposes of sections 69-2401 to 69-2425 and
75 section 8 of this act, the Nebraska State Patrol shall be furnished with
76 only such information as may be necessary for the sole purpose of
77 determining whether an individual is disqualified from purchasing or
78 possessing a handgun pursuant to state law or is subject to the
79 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information
80 shall be furnished by the Department of Health and Human Services. The
clerks of the various courts shall furnish to the Department of Health and Human Services and Nebraska State Patrol, as soon as practicable but within thirty days after an order of commitment or discharge is issued or after removal of firearm-related disabilities pursuant to section 71-963, all information necessary to set up and maintain the database required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged, (b) information regarding those persons who have been committed to treatment pursuant to section 29-3702, and (c) information regarding those persons who have had firearm-related disabilities removed pursuant to section 71-963. The mental health board shall notify the Department of Health and Human Services and the Nebraska State Patrol when such disabilities have been removed. The Department of Health and Human Services shall also maintain in the database a listing of persons committed to treatment pursuant to section 29-3702. To ensure the accuracy of the database, any information maintained or disclosed under this subsection shall be updated, corrected, modified, or removed, as appropriate, and as soon as practicable, from any data base that the state or federal government maintains and makes available to the National Instant Criminal Background Check System. The procedures for furnishing the information shall guarantee that no information is released beyond what is necessary for purposes of this section.

In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant’s place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.

The Nebraska State Patrol and the Department of Health and Human Services shall report electronically to the Clerk of the Legislature on a biennial basis the following information about the database: (a) The number of total records of persons unable to purchase or possess firearms because of disqualification or disability shared with the National Instant Criminal Background Check System; (b) the number of shared records by category of such persons; (c) the change in number of total shared records and change in number of records by category from the previous six months; (d) the number of records existing but not able to be shared with the National Instant Criminal Background Check System because the record was incomplete and unable to be accepted by the National Instant Criminal Background Check System; and (e) the number of hours or days, if any, during which the data base was unable to share records with the National Instant Criminal Background Check System and the reason for such inability. The report shall also be published on the web sites of the Nebraska State Patrol and the Department of Health and Human Services.

Sec. 6. Section 69-2421, Reissue Revised Statutes of Nebraska, is amended to read:

Any licensed importer, manufacturer, or dealer who knowingly and intentionally sells or delivers a handgun in violation of sections...
17 69-2401 to 69-2425 and section 8 of this act shall be guilty of a Class
18 IV felony.
19 Sec. 7. Section 69-2422, Reissue Revised Statutes of Nebraska, is
20 amended to read:
21 69-2422 For purposes of sections 69-2401 to 69-2425 and section 8 of
22 this act, any person who knowingly and intentionally obtains a handgun
23 for the purposes of transferring it to a person who is prohibited from
24 receipt or possession of a handgun by state or federal law shall be
25 guilty of a Class IV felony.
26 Sec. 8. (1) At any gun show there shall be present a dealer
27 licensed pursuant to 18 U.S.C. 923. Any sale, purchase, or other transfer
28 of a handgun occurring at the gun show shall be reviewed or conducted by
29 the dealer to ensure compliance with sections 69-2401 to 69-2425 and
30 section 8 of this act.
31 (2) A person selling, purchasing, or otherwise transferring a
32 handgun who does not comply with subsection (1) of this section shall be
33 guilty of a Class I misdemeanor. As a part of the judgment of conviction,
34 the court may order the confiscation of the handgun.
35 (3) A person sponsoring, organizing, or managing a gun show that
36 does not comply with subsection (1) of this section shall be guilty of a
37 Class IV felony.
38 (4) For purposes of this section, gun show means any event at which
39 fifty or more firearms are offered or exhibited for sale, exchange, or
40 transfer. The term gun show does not include an offer or exhibit of
41 firearms for sale, exchange, or transfer by an individual from the
42 personal collection of that individual, at the private residence of that
43 individual, if the individual is not required to be licensed under 18
44 U.S.C. 923, as such section existed on January 1, 2020.
45 Sec. 9. Section 69-2424, Reissue Revised Statutes of Nebraska, is
46 amended to read:
47 69-2424 The Nebraska State Patrol shall adopt and promulgate rules
48 and regulations to carry out sections 69-2401 to 69-2425 and section 8 of
49 this act.
50 Sec. 10. Section 69-2425, Reissue Revised Statutes of Nebraska, is
51 amended to read:
52 69-2425 Any city or village ordinance existing on September 6, 1991,
53 shall not be preempted by sections 69-2401 to 69-2425 and section 8 of
54 this act.
55 Sec. 11. Section 69-2426, Reissue Revised Statutes of Nebraska, is
56 amended to read:
57 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:
58 (a) Shall dealers of firearms shall distribute to all firearm
59 purchasers information developed by the Department of Health and Human
60 Services regarding the dangers of leaving loaded firearms unattended
61 around children; and,
62 (b) May distribute to any firearm purchaser other informational
63 materials regarding suicide prevention and firearm safety, including
64 materials that provide evidence-based information aligned with best
65 practices in suicide prevention.
66 (2) There is hereby created the Firearm Information Fund. Private
67 contributions shall be credited by the State Treasurer to such fund for
68 the implementation of the provisions of this section.
69 Sec. 12. Section 69-2432, Reissue Revised Statutes of Nebraska, is
70 amended to read:
71 69-2432 (1) The Nebraska State Patrol shall prepare and publish
72 minimum training and safety requirements for and adopt and promulgate
73 rules and regulations governing handgun training and safety courses and
74 handgun training and safety course instructors. Minimum safety and
75 training requirements for a handgun training and safety course shall
76 include, but not be limited to:
15 (a) Knowledge and safe handling of a handgun;
16 (b) Knowledge and safe handling of handgun ammunition;
17 (c) Safe handgun shooting fundamentals;
18 (d) A demonstration of competency with a handgun with respect to the
19 minimum safety and training requirements;
20 (e) Knowledge of federal, state, and local laws pertaining to the
21 purchase, ownership, transportation, and possession of handguns;
22 (f) Knowledge of federal, state, and local laws pertaining to the
23 use of a handgun, including, but not limited to, use of a handgun for
24 self-defense and laws relating to justifiable homicide and the various
25 degrees of assault;
26 (g) Knowledge of ways to avoid a criminal attack and to defuse or
27 control a violent confrontation;
28 (h) Knowledge of proper storage practices for handguns and
29 ammunition, including storage practices which would reduce the
30 possibility of accidental injury to a child; and
31 (i) Suicide prevention training. Such training shall consist of
1 evidenced-based information aligned with best practices in suicide
2 prevention.
3 (2) A person or entity conducting a handgun training and safety
4 course and the course instructors shall be approved by the patrol before
5 operation. The patrol shall issue a certificate evidencing its approval.
6 (3) A certificate of completion of a handgun training and safety
7 course shall be issued by the person or entity conducting a handgun
8 training and safety course to persons successfully completing the course.
9 The certificate of completion shall also include certification from the
10 instructor that the person completing the course does not suffer from a
11 readily discernible physical infirmity that prevents the person from
12 safely handling a handgun.
13 (4) Any fee for participation in a handgun training and safety
14 course is the responsibility of the applicant.
15 Sec. 13. Original sections 69-2402, 69-2404, 69-2405, 69-2406,
17 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 312 and 313 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business,
the Speaker signed the following: LRs 312 and 313.

GENERAL FILE

LEGISLATIVE BILL 974. Senator DeBoer offered the following motion:
MO154
Pending.
AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to **LB974:**
**AM2452**

1. Strike sections 1, 8, and 10 to 34 and insert the following new section:

3. Section 77-4212, Reissue Revised Statutes of Nebraska, is amended to read:

5. 77-4212 (1) For tax year 2007, the amount of relief granted under the Property Tax Credit Act shall be one hundred five million dollars.

7. For tax year 2008, the amount of relief granted under the act shall be one hundred fifteen million dollars. It is the intent of the Legislature to fund the Property Tax Credit Act for tax years after tax year 2008 using available revenue. For tax year 2017, the amount of relief granted under the act shall be two hundred twenty-four million dollars. For tax year 2020, the amount of relief granted under the act shall be three hundred eighty million dollars. The relief shall be in the form of a property tax credit which appears on the property tax statement.

15. (2)(a) For tax years prior to tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(a) of this section by the ratio of the real property valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be the property tax credit for the property.

21. (b) Beginning with tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(b) of this section by the ratio of the credit allocation valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be the property tax credit for the property.

1. (3) If the real property owner qualifies for a homestead exemption under sections 77-3501 to 77-3529, the owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall immediately credit any funds returned under this subsection to the Property Tax Credit Cash Fund. Upon the return of any funds under this subsection, the county treasurer shall electronically file a report with the Tax Administrator, indicating the amount of funds distributed to each taxing unit in the county in the year the funds were returned, any collection fee retained by the county in such year, and the amount of unused credits returned.

17. (4)(a) For tax years prior to tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator
22 shall determine the amount to be disbursed under this subdivision to each
23 county and certify such amounts to the State Treasurer and to each
24 county. The disbursements to the counties shall occur in two equal
25 payments, the first on or before January 31 and the second on or before
26 April 1. After retaining one percent of the receipts for costs, the
27 county treasurer shall allocate the remaining receipts to each taxing
28 unit levying taxes on taxable property in the tax district in which the
29 real property is located in the same proportion that the levy of such
30 taxing unit bears to the total levy on taxable property of all the taxing
31 units in the tax district in which the real property is located.
1 (b) Beginning with tax year 2017, the amount disbursed to each
2 county shall be equal to the amount available for disbursement determined
3 under subsection (1) of this section multiplied by the ratio of the
4 credit allocation valuation in the county to the credit allocation
5 valuation in the state. By September 15, the Property Tax Administrator
6 shall determine the amount to be disbursed under this subdivision to each
7 county and certify such amounts to the State Treasurer and to each
8 county. The disbursements to the counties shall occur in two equal
9 payments, the first on or before January 31 and the second on or before
10 April 1. After retaining one percent of the receipts for costs, the
11 county treasurer shall allocate the remaining receipts to each taxing
12 unit based on its share of the credits granted to all taxpayers in the
13 taxing unit.
14 (5) For purposes of this section, credit allocation valuation means
15 the taxable value for all real property except agricultural land and
16 horticultural land, one hundred twenty percent of taxable value for
17 agricultural land and horticultural land that is not subject to special
18 valuation, and one hundred twenty percent of taxable value for
19 agricultural land and horticultural land that is subject to special
20 valuation.
21 (6) The State Treasurer shall transfer from the General Fund to the
22 Property Tax Credit Cash Fund one hundred five million dollars by August
23 1, 2007, and one hundred fifteen million dollars by August 1, 2008.
24 (7) The Legislature shall have the power to transfer funds from the
25 Property Tax Credit Cash Fund to the General Fund.
26 2. Renumber the remaining sections and correct the repealer
27 accordingly.

Senator Friesen filed the following amendment to LB944:

AM2396

(Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new sections:
2 Sec. 59. Sections 59 to 73 of this act shall be known and may be
3 cited as the Peer-to-Peer Vehicle Sharing Program Act.
4 Sec. 60. For purposes of the Peer-to-Peer Vehicle Sharing Program
5 Act, unless the context otherwise requires:
6 (1) Agreement means an agreement established through a peer-to-peer
7 vehicle sharing program that serves as a contract between a program, an
8 owner, and a driver and describes the specific terms and conditions of
9 the agreement that govern the use of a vehicle through such program,
10 including the sharing period and location or locations for transfer of
11 control of vehicle, Agreement does not mean a rental agreement as defined
12 in section 44-4067;
13 (2) Delivery period means the period of time during which a vehicle
14 is being delivered to the location at which the start time begins, if
15 applicable, as documented by the agreement;
16 (3) Driver means an individual who has been authorized to drive a
17 vehicle by an owner under an agreement;
18 (4) Owner means the registered owner, or a person or entity
19 designated by the registered owner, of a vehicle made available for
20 sharing through a peer-to-peer vehicle sharing program;
21 (5) Peer-to-peer vehicle sharing program or program means a business
22 platform that connects vehicle owners with drivers to enable the sharing
23 of vehicles for financial consideration. A program is not a
24 transportation network company as defined in section 75-523 or a rental
25 car company as defined in section 44-4067;
26 (6) Sharing means the authorized use of a vehicle by an individual
27 other than an owner through a peer-to-peer vehicle sharing program;
28 (7) Sharing period means the period of time that commences with the
29 delivery period or, if there is no delivery period, that commences with
30 the start time and, in either case, ends at the termination time;
31 (8) Start time means the time when a vehicle becomes subject to the
32 control of a driver at or after the time the reservation is scheduled to
33 begin as documented in the records of a program;
34 (9) Termination time means the earliest of the following events:
35 (a) The expiration of the agreed upon period of time established for
36 the use of a vehicle according to the terms of the agreement, if the
37 vehicle is delivered to the location agreed upon in the agreement;
38 (b) When a vehicle is returned to a location as alternatively agreed
39 upon by the owner and driver as communicated through the peer-to-peer
40 vehicle sharing program; or
41 (c) When an owner, or his or her authorized designee, takes
42 possession and control of a vehicle; and
43 (10) Vehicle means a personal motor vehicle that is available for
44 use through a peer-to-peer vehicle sharing program. Vehicle does not mean
45 a rental vehicle as defined in section 44-4067.
20 Sec. 61. (1) Notwithstanding any other provision of law or any
21 provision in an owner’s policy of motor vehicle liability insurance, in
22 the event of a loss or injury that occurs during a sharing period, a
23 program shall:
24 (a) Except as provided in subsection (2) of this section, assume the
25 liability of the owner for bodily injury or property damage to third
26 parties, uninsured and underinsured motorist benefits, and personal
27 injury protection losses during the sharing period in an amount stated in
28 the agreement, and which amount may not be less than that set forth in
29 section 60-310; and
30 (b) Retain such liability regardless of a lapse in, or otherwise
31 absence of, any coverage under which a program is insured,
32 (2) Notwithstanding the definition of termination time, a program
33 shall not be liable when an owner:
34 (a) Makes a material, intentional, or fraudulent misrepresentation,
35 or a material, intentional, or fraudulent omission to a program before
36 the sharing period in which the loss occurred; or
37 (b) Acts in concert with a driver who fails to return a vehicle
38 pursuant to the terms of an agreement.
8 Sec. 62. (1) A program shall ensure that, during each sharing
9 period, financial responsibility for a vehicle is provided in amounts no
10 less than the minimum amounts set forth in section 60-310 that:
11 (a) Recognizes that the vehicle is made available and used through
12 the program; or
13 (b) Does not exclude use of the vehicle by a driver through the
14 program,
15 (2) The financial responsibility required under subsection (1) of
16 this section may be satisfied by motor vehicle liability insurance or
17 other acceptable means of demonstrating financial responsibility in this
18 state, voluntarily maintained by:
19 (a) The owner;
20 (b) The driver;
21 (c) The program; or
22 (d) Any combination of owner, driver, and program.
23 (3) The financial responsibility required in subsection (1) of this section and satisfied pursuant to subsection (2) of this section shall be the primary responsibility for losses during the sharing period.
23 (4) A program shall:
25 (a) Assume primary financial responsibility for a claim when it is in whole or in part providing the financial responsibility required under section 61 of this act if:
29 (i) A dispute exists as to who was in control of the vehicle at the time of the loss; and
31 (ii) The program does not have available, did not retain, or fails to provide the information required by section 65 of this act; and
33 (b) Be indemnified by the owner's personal policy of motor vehicle liability insurance to the extent of such policy's obligation, if any, if it is determined that the owner was in control of the vehicle at the time of the loss.
36 (5) If insurance maintained by the owner or the driver in accordance with subsection (2) of this section has lapsed or does not provide the required financial responsibility, the program or its insurer shall provide the coverage required by subsection (1) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of section 61 of this act.
38 (6) Financial responsibility maintained by the program shall not be dependent on another automobile insurer first denying a claim, nor shall another automobile insurance policy be required to first deny a claim.
40 (7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:
42 (a) Limits the liability of a program for any act or omission of the program itself that results in injury to any person as a result of the use of a vehicle through the program; or
44 (b) Limits the availability of a program, by contract, to seek indemnification from an owner or a driver for economic loss sustained by the program resulting from a breach of the terms and conditions of an agreement.
46 Sec. 63. At the time an owner registers a vehicle for use through the program and again prior to the time such owner makes such vehicle available for use through such program, the program shall notify the owner that if the vehicle has a lien against it, the use of the vehicle through the program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.
48 Sec. 64. (1) An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under the owner's motor vehicle liability insurance policy, including, but not limited to:
50 (a) Liability coverage for bodily injury and property damage;
52 (b) Personal injury protection coverage as defined;
54 (c) Uninsured and underinsured motorist coverage;
56 (d) Medical payments coverage;
58 (e) Comprehensive physical damage coverage; and
60 (f) Collision physical damage coverage.
62 (2) Nothing in the Peer-to-Peer Vehicle Sharing Program Act invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, hire, or for any business use, including sharing.
64 Sec. 65. (1) A program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, sharing periods, sharing period pick-up and drop-off locations, fees paid by a driver, and revenue received by an owner.
66 (2) A program shall provide the information collected pursuant to subsection (1) of this section upon request to the owner, the owner's
insurer, and the driver's insurer to facilitate a claim coverage investigation. A program shall retain the records required in this section for a period not less than four years.

A motor vehicle insurer that defends or indemnifies a claim arising from the operation of a vehicle that is excluded under the terms of its policy shall have the right to seek contribution against a program if the claim is made against the owner or driver for loss or injury that occurs during the sharing period.

Notwithstanding any other provision of law, a program shall have an insurable interest in a vehicle during the sharing period.

(1) Nothing in this section shall impose liability on a program to maintain the coverage required by section 61 of this act.

(3) A program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for:

(a) Liabilities assumed by the program under the agreement;
(b) Liability of an owner;
(c) Damage or loss to a vehicle; or
(d) Liability of a driver.

A program and an owner shall be exempt from vicarious liability in accordance with 49 U.S.C. 30106(a), as such section existed on January 1, 2020, and under any state or local law that imposes liability solely based on vehicle ownership.

Each agreement made in this state shall disclose to each owner and driver:

(a) Any right of the program to seek indemnification from an owner or a driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the agreement;
(b) That a motor vehicle liability insurance policy issued to an owner for the vehicle, or to a driver, may not provide a defense or indemnity for any claim asserted by the program;
(c) That a program's financial responsibility afforded to each owner and driver is available only during the sharing period;
(d) That for any use of a vehicle by a driver after the termination time, a driver or owner may not have coverage;
(e) The daily rate, fees, costs, and, if applicable, any insurance protection package costs that are charged to an owner or a driver; and
(f) That an owner's motor vehicle liability insurance may not provide coverage for the vehicle.

Each agreement made in this state shall disclose to each driver:

(i) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and
(ii) Any conditions under which a driver must maintain a personal auto insurance policy and any required coverage limits on a primary basis in order to use a vehicle through the program.

A program shall have sole responsibility for any equipment, such as a global positioning system or other special equipment, that is put on or on a vehicle to monitor or facilitate sharing and shall agree to indemnify and hold harmless the owner for any damage to or theft of such equipment during the sharing period not caused by the owner. A program has the right to seek indemnity from a driver for any loss or damage to such equipment that occurs during the sharing period.

At the time an owner registers a vehicle for use by a program, and prior to the time when the owner makes a vehicle available for use by such program, the program shall:

(a) Verify that the vehicle does not have any safety recalls for which the repairs have not been made; and
(b) Notify the owner of the requirements under subsection (2) of this section.
An owner shall:

(a) Not make a vehicle available for use through a program if the owner has received actual notice of a safety recall on such vehicle until the safety recall repair has been made;

(b) Upon receipt of actual notice of a safety recall on a vehicle when such vehicle is available for use through a program, remove the vehicle from availability as soon as practicably possible and until the safety recall repair has been made; and

(c) Upon receipt of actual notice of a safety recall on a vehicle, and when the vehicle is in the possession of a driver, notify the program of the safety recall so that the program may notify the driver and the vehicle can be removed from use until the owner makes the necessary safety recall repair.

1 Sec. 72. (1) A program shall not enter into an agreement with any driver unless such driver:

(a) Holds a driver's license issued in this state authorizing the driver to operate vehicles of the class of vehicle used by the program;

(b) Is a nonresident who:

(i) Holds a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of vehicle used by the program; and

(ii) Is at least the same age as that required of a resident to drive in this state.

(2) A program shall keep a record of:

(a) The name and address of each driver; and

(b) The driver's license number and place of issuance for each driver who operates a vehicle under the agreement.

Sec. 73. Nothing in the Peer-to-Peer Vehicle Sharing Program Act shall be construed to limit the powers of an airport authority under Nebraska law.

Sec. 74. Sections 59 to 73 of this act become operative on January 1, 2021. The other sections become operative on their effective date.

Senator Howard filed the following amendment to LB1059:

AM2511

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

3 Section 1. Section 28-710, Revised Statutes Supplement, 2019, is amended to read:

5 28-710 (1) Sections 28-710 to 28-727 and section 3 of this act shall be known and may be cited as the Child Protection and Family Safety Act.

7 (2) For purposes of the Child Protection and Family Safety Act:

8 (a) Alcohol and drug testing means the use of biological sources, including, but not limited to, urine, saliva, sweat, hair, breath, blood, meconium, to identify the concentration or presence of specific substances or their metabolites in an individual's system;

10 (b) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support. Alternative response is an alternative to traditional response and does not include an investigation or a formal determination as to whether child abuse or neglect has occurred, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718;

15 (c) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to:

18 (i) Placed in a situation that endangers his or her life or physical or mental health;
24 (ii) Cruelly confined or cruelly punished;
25 (iii) Deprived of necessary food, clothing, shelter, or care;
26 (iv) Left unattended in a motor vehicle if such minor child is six
27 years of age or younger;
28 (v) Placed in a situation to be sexually abused;
29 (vi) Placed in a situation to be sexually exploited through sex
30 trafficking of a minor as defined in section 28-830 or by allowing,
31 encouraging, or forcing such person to engage in debauchery, public
32 indecency, or obscene or pornographic photography, films, or depictions;
33 or
34 (vii) Placed in a situation to be a trafficking victim as defined in
35 section 28-830;
36 28‑710.01 (1) Comprehensive assessment means an analysis of child safety,
37 risk of future child abuse or neglect, and family strengths and needs on
38 a report of child abuse or neglect. Comprehensive assessment does not
39 include a determination as to whether the child abuse or neglect occurred
40 but does determine the need for services and support to address the
41 safety of children and the risk of future abuse or neglect;
42 28‑710.01 (j) Department means the Department of Health and Human
43 Services;
44 28‑710.01 (k) Investigation means fact gathering related to the current
45 safety of a child and the risk of future child abuse or neglect that
46 determines whether child abuse or neglect has occurred and whether child
47 protective services are needed;
48 28‑710.01 (4) Law enforcement agency means the police department or town
49 marshal in incorporated municipalities, the office of the sheriff in
50 unincorporated areas, and the Nebraska State Patrol;
51 28‑710.01 (4) Out-of-home child abuse or neglect means child abuse or
52 neglect occurring outside of a child’s family home, including in day care
53 homes, foster homes, day care centers, residential child-caring agencies
54 as defined in section 71-1926, other child care facilities or
55 institutions, and the community. Out-of-home child abuse or neglect also
56 includes cases in which the subject of the report of child abuse or
57 neglect is not a member of the child’s household, no longer has access to
58 the child, is unknown, or cannot be identified;
59 28‑710.01 (4) Review, Evaluate, and Decide Team means an internal team of
60 staff within the department and shall include no fewer than two
61 supervisors or administrators and two staff members knowledgeable on the
62 policies and practices of the department, including, but not limited to,
63 the structured review process. County attorneys, child advocacy centers,
64 or law enforcement agency personnel may attend team reviews upon request
65 of a party;
66 674 LEGISLATIVE JOURNAL
67 28‑710.01 (4) Traditional response means an investigation by a law
68 enforcement agency or the department pursuant to section 28-713 which
69 requires a formal determination of whether child abuse or neglect has
70 occurred; and
71 28‑710.01 (4) Subject of the report of child abuse or neglect or subject
72 of the report means the person or persons identified in the report as
73 responsible for the child abuse or neglect.
74 28‑710.01, Reissue Revised Statutes of Nebraska, is
75 amended to read:
76 28‑710.01 (1) The Legislature declares that the public policy of the
77 State of Nebraska is to protect children whose health or welfare may be
78 jeopardized by abuse or neglect. The Legislature recognizes that most
79 families want to keep their children safe, but circumstances or
80 conditions sometimes interfere with their ability to do so. Families and
81 children are best served by interventions that engage their protective
82 capacities and address immediate safety concerns and ongoing risks of
83 child abuse or neglect. In furtherance of this public policy and the
84 family policy and principles set forth in sections 43-532 and 43-533, it
85 is the intent of the Legislature to strengthen the family and make the
27 home, school, and community safe for children by promoting responsible
28 child care in all settings and to provide, when necessary, a safe
29 temporary or permanent home environment for abused or neglected children.
30 (2) In addition, it is the policy of this state to: Require the
31 reporting of child abuse or neglect in home, school, and community
1 settings; provide for alternative response to reports as permitted by law
2 and the rules and regulations of the department; provide for traditional
3 response to reports as required by law and the rules and regulations of
4 the department; and provide protective and supportive services designed
5 to preserve and strengthen the family in appropriate cases.
6 Sec. 3. (1) The department shall recognize that:
7 (a) Alcohol and other drugs are often contributing factors in child
8 abuse and neglect;
9 (b) Alcohol and other drugs can impair a parent or caretaker's
10 judgment and ability to provide consistent care, supervision, and
11 protection; and
12 (c) Effective alcohol and drug testing is often necessary as one
13 tool to provide evidence of or rule out substance abuse as part of an
14 investigation or assessment of a child's safety or risk, to monitor
15 whether a parent or caretaker is continuing to use substances, and to
16 ensure treatment compliance.
17 (2) Alcohol and drug testing shall be a service available for all
18 court, non-court-involved, traditional response, or alternative response
19 cases. Alcohol and drug testing shall be one component of initial
20 assessment and ongoing case management to identify or eliminate substance
21 abuse as a contributing factor to child abuse and neglect in cases in
22 which drug or alcohol use or exposure is suspected.
23 (3) The department shall adopt and promulgate rules and regulations
24 or policies consistent with this section and shall revoke any rules and
25 regulations or policies inconsistent with this section by July 1, 2020.
26 Sec. 4. Original section 28-710.01, Reissue Revised Statutes of
27 Nebraska, and section 28-710, Revised Statutes Supplement, 2019, are
28 repealed.
29 Sec. 5. Since an emergency exists, this act takes effect when
30 passed and approved according to law.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Thursday, February 27, 2020 1:30 p.m.
Todd Hovey - Board of Emergency Medical Services
LB875
LB815
LB1065
LB1059

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 325. Introduced by Howard, 9;
McCollister, 20.

WHEREAS, Leona R. Doll was born on February 22, 1920, on a farm
near Rising City in Butler County; and
WHEREAS, Leona was the third child of ten born to Henry and Alice Klingemann; and
WHEREAS, Leona has been a lifelong Nebraska resident for 100 years; and
WHEREAS, Leona married Charles H. Doll on February 3, 1942, and they farmed near 102nd and West Center Road in Douglas County until 1955; and
WHEREAS, Leona has two children, Clifford and Nora, four grandchildren, and five great-grandchildren; and
WHEREAS, Leona will celebrate her 100th birthday on February 22, 2020.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Leona R. Doll on her 100th birthday.
2. That a copy of this resolution be sent to Leona R. Doll.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1016. Title read. Considered.
Committee AM2350, found on page 609, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion: MO156
Bracket until April 22, 2020.

SENATOR WAYNE PRESIDING

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.
Committee AM2431, found on page 641, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present
LEGISLATIVE BILL 1060. Placed on General File.

LEGISLATIVE BILL 963. Placed on General File with amendment.

AM2523
11. Strike the original sections and insert the following new 2
sections:
3 Section 1. Section 48-101.01, Revised Statutes Cumulative 4
4 Supplement, 2018, is amended to read:
5 48-101.01 (1) The Legislature finds and declares:
6 (a) The occupations of first responders are recognized as stressful 7
occupations. Only our nation’s combat soldiers endure more stress.
8 Similar to military personnel, first responders face unique and uniquely
9 dangerous risks in their sworn mission to keep the public safe. They rely
10 on each other for survival to protect the communities they serve;
11 (b) On any given day, first responders can be called on to make life
12 and death decisions, witness a young child dying with the child’s grief;
13 stricken family, make a decision that will affect a community member for
14 the rest of such person’s life, or be exposed to a myriad of communicable
15 diseases and known carcinogens;
16 (c) On any given day, first responders protect high-risk individuals
17 from themselves and protect the community from such individuals;
18 (d) First responders are constantly at significant risk of bodily
19 harm or physical assault while they perform their duties;
20 (e) Constant, cumulative exposure to horrific events make first
21 responders uniquely susceptible to the emotional and behavioral impacts
22 of job-related stressors;
23 (f) Trauma-related injuries can become overwhelming and manifest in
24 post-traumatic stress, which may result in substance use disorders and
25 even, tragically, suicide; and
26 (g) It is imperative for society to recognize occupational injuries
27 related to post-traumatic stress and to promptly seek diagnosis and
28 treatment without stigma. This includes recognizing that mental injury
29 and mental illness as a result of trauma is not disordered, but is a
30 normal and natural human response to trauma, the negative effects of
31 which can be ameliorated through diagnosis and effective treatment.
32 (2) Personal injury includes mental injuries and mental illness
33 unaccompanied by physical injury for an employee who is a first responder
34 or frontline state employee if such first responder or frontline state
35 employee:
36 (a) Establishes, by a preponderance of the evidence, that the
37 employee's employment conditions causing the mental injury or mental
38 illness were extraordinary and unusual in comparison to the normal
39 conditions of the particular employment; and
40 (b) Establishes, through a mental health professional by a
41 preponderance of the evidence, the medical causation between the mental
42 injury or mental illness and the employment conditions by medical
43 evidence.
44 (3) The employee bears the burden of establishing the matters
45 described in subsection (2) of this section by a preponderance of the
46 evidence.
47 (4) A first responder may establish prima facie evidence of a
48 personal injury that is a mental injury or mental illness if the first
49 responder:
(a) Presents evidence that the first responder underwent a mental health examination upon entry into such service or subsequent to such entry and before the onset of the mental injury or mental illness and such examination did not reveal the mental injury or mental illness for which the first responder seeks compensation;

(b) Presents testimony or an affidavit from a mental health professional stating the first responder suffers from a mental injury or mental illness caused by one or more events or series of events which cumulatively produced the mental injury or mental illness which brought about the need for medical attention and the interruption of employment;

c) Presents evidence that such events or series of events arose out of and in the course of the first responder's employment; and

d) Presents evidence that, prior to the employment conditions which caused the mental injury or mental illness, the first responder had participated in resilience training and updated the training at least annually thereafter.

For purposes of this section, mental injuries and mental illness arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer and employee relations, including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations.

The Department of Health and Human Services shall reimburse a first responder for the cost of annual resilience training not reimbursed by the first responder's employer. The department shall pay reimbursement at a rate determined by the Critical Incident Stress Management Program under section 71-7104. Reimbursement shall be subject to the annual limit which by such program under section 71-7104.

To obtain reimbursement under this subsection, a first responder shall submit an application to the Department of Health and Human Services on a form and in a manner prescribed by the department.

The Department of Health and Human Services shall maintain and annually update records of first responders who have completed annual resilience training.

For purposes of this section:

(a) First responder means a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid participant, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury;

(b) Frontline state employee means an employee of the Department of Correctional Services or the Department of Health and Human Services whose duties involve regular and direct interaction with high-risk individuals;

(c) High-risk individual means an individual in state custody for whom violent or physically intimidating behavior is common, including, but not limited to, a committed offender as defined in section 83-170, a patient at a regional center as defined in section 71-911, and a juvenile committed to the Youth Rehabilitation and Treatment Center-Kearney or the Youth Rehabilitation and Treatment Center-Geneva;

(d) Mental health professional means:

(i) A practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act;

(ii) A practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 38-3111 or as provided in similar provisions of the Psychology Interjurisdictional Compact; or

(iii) A person licensed as a mental health practitioner under the Mental Health Practice Act;
(e) Resilience training means training that meets the guidelines established by the Critical Incident Stress Management Program under section 71-7104 and that teaches how to adapt to, manage, and recover from adversity, trauma, tragedy, threats, or significant sources of stress; and

(f) State custody means under the charge or control of a state institution or state agency and includes time spent outside of the state institution or state agency.

29 Sec. 2. Section 71-7104, Reissue Revised Statutes of Nebraska, is amended to read:

71‑7104 There is hereby created the Critical Incident Stress Management Program. The focus of the program shall be to minimize the harmful effects of critical incident stress for emergency service personnel, with a high priority on confidentiality and respect for the individuals involved. The program shall:

(1) Provide a stress management session to emergency service personnel who appropriately request such assistance in an effort to address critical incident stress;
(2) Assist in providing the emotional and educational support necessary to ensure optimal functioning of emergency service personnel;
(3) Conduct preincident educational programs to acquaint emergency service personnel with stress management techniques;
(4) Promote interagency cooperation; and
(5) Provide an organized statewide response to the emotional needs of emergency service personnel impacted by critical incidents;
(6) Develop guidelines for resilience training for first responders under section 48‑101.01;
(7) Set reimbursement rates for resilience training under section 48‑101.01; and
(8) Set an annual limit on the hours or quantity of resilience training for which reimbursement is required under section 48-101.01.

21 Sec. 3. Original section 71-7104, Reissue Revised Statutes of Nebraska, and section 48‑101.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Albrecht - LB1186
Bostelman - LB1002
Health and Human Services - LB1053
Howard - LB1144
Arch - LB1158
Linehan - LB1202

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to LB770:

AM2443

1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 37-438, Reissue Revised Statutes of Nebraska, as 4 amended by section 10, Legislative Bill 287, One Hundred Sixth
5 Legislature, Second Session, 2020, is amended to read:
6 37-438 (1) The commission shall devise annual, permits in two forms:
7 Annual and temporary, and disabled veteran permits.
8 (2) The annual permit may be purchased by any person and shall be
9 valid through December 31 in the year for which the permit is issued. The
10 fee for the annual permit for a resident motor vehicle shall be not more
11 than thirty-five dollars per permit. The fee for the annual permit for a
12 nonresident motor vehicle shall not be less than the fee for a resident
13 motor vehicle and not more than sixty-five fifty-five dollars. The
14 commission shall establish such fees by the adoption and promulgation of
15 rules and regulations.
16 (3) A temporary permit may be purchased by any person and shall be
17 valid until noon of the day following the date of issue. The fee for the
18 temporary permit for a resident motor vehicle shall be not more than
19 seven dollars. The fee for the temporary permit for a nonresident motor
20 vehicle shall be not more than twelve twenty dollars. The commission shall
21 establish such fees by the adoption and promulgation of rules and
22 regulations. The commission may issue temporary permits which are either
23 valid for any area or valid for a single area.
24 (d) A veteran who is a resident of Nebraska shall, upon
25 application and without payment of any fee, be issued one disabled
26 veteran permit for a resident motor vehicle if the veteran
27 (i) Was discharged or separated with a characterization of honorable
28 or general (under honorable conditions); and
29 (ii) (A) Is rated by the United States Department of Veterans Affairs
30 as fifty percent or more disabled as a result of service in the armed
31 forces of the United States; or
32 (B) Is receiving a pension from the United States Department of
33 Veterans Affairs as a result of total and permanent disability, which
34 disability was not incurred in the line of duty in the military service.
35 (b) All disabled veteran permits issued pursuant to this subsection
36 shall be perpetual and shall become void only upon termination of
37 eligibility as provided in this subsection.
38 (e) The commission may adopt and promulgate rules and regulations
39 necessary to carry out this subsection.
40 (f) The commission may offer permits or combinations of permits
41 at temporarily reduced rates for specific events or during specified
42 timeframes.
43 16 Sec. 2. Original section 37-438, Reissue Revised Statutes of
44 Nebraska, as amended by section 10, Legislative Bill 287, One Hundred
45 Sixth Legislature, Second Session, 2020, is repealed.

GENERAL FILE

LEGISLATIVE BILL 858. Title read. Considered.

Committee AM2346, found on page 612, was adopted with 33 ayes, 0 nays,
14 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 790. Title read. Considered.

Senator Slama offered her amendment, AM2436, found on page 642.

SPEAKER SCHEER PRESIDING
SENATOR HUGHES PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Appropriations - LB1198 and LB780

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB1014:

AM2449

1. Strike section 8 and insert the following new section:
2. Sec. 8. A multiple employer welfare arrangement that provides
3. health care coverage to self-employed individuals shall comply with the
4. Patient Protection and Affordable Care Act, Public Law 111-148, as
5. amended by the Health Care and Education Reconciliation Act of 2010,
6. Public Law 111-152, as such acts existed on January 1, 2020, and the
7. following protections for covered individuals that would otherwise be
8. required under the Employee Retirement Income Security Act of 1974;
9. (a) Fiduciary duties in section 404 of the Employee Retirement
11. (b) Claims and appeal procedures in section 503 of the Employee
13. (c) The Paul Wellstone and Pete Domenici Mental Health Parity and
15. (d) The Newborns' and Mothers' Health Protection Act of 1996, 29
16. U.S.C. 1185; and
18. 1182.
19. (2) A multiple employer welfare arrangement that provides health
20. care coverage to covered individuals who are self-employed individuals
21. shall establish and maintain a surplus in the trust established pursuant
22. to section 44-7607 in an amount equal to at least seven hundred fifty
23. thousand dollars. The director may increase the amount required to be
24. deposited in the trust based on the director's determination that such an
25. increase is necessary after considering the level of aggregate and
26. specific stop-loss insurance provided with respect to such multiple
27. employer welfare arrangement and other factors related to solvency risk,
28. such as the multiple employer welfare arrangement's projected levels of
29. participation or claims, the nature of the multiple employer welfare
30. arrangement's liabilities, and the types of assets available to assure
31. that such liabilities are met.

Senator M. Hansen filed the following amendment to LB962:

AM2541

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 Nebraska Fair Pay to Play Act.
5. Sec. 2 For purposes of the Nebraska Fair Pay to Play Act:
6. (1) Athletic grant-in-aid means the money given to a student-athlete
7. by a postsecondary institution for tuition, fees, room, board, and
textbooks as consideration for the student-athlete's participation in an
intercollegiate sport for such postsecondary institution and does not
include compensation for the use of the student-athlete's name, image, or
likeness rights or athletic reputation;
2.] Collegiate athletic association means any athletic association,
conference, or other group or organization with authority over
intercollegiate sports;
3. Compensation for the use of a student-athlete's name, image, or
likeness rights or athletic reputation includes, but is not limited to,
consideration received pursuant to an endorsement contract as defined in
section 48-2602;
4. Intercollegiate sport has the same meaning as in section
48-2602;
5. Postsecondary institution has the same meaning as in section
34-2043;
6. Professional representation includes, but is not limited to,
representation provided by an athlete agent holding a certificate of
registration under the Nebraska Uniform Athlete Agents Act, a financial
advisor registered under the Securities Act of Nebraska, or an attorney
admitted to the bar by order of the Supreme Court of this state;
7. Sponsor means an individual or organization that pays money or
provides goods or services in exchange for advertising rights;
8. Student-athlete has the same meaning as in section 48-2602; and
9. Team contract means a contract between a postsecondary
institution or a postsecondary institution's athletic department and a
sponsor.
Sec. 3. (1) No postsecondary institution shall uphold any rule,
requirement, standard, or limitation that prevents a student-athlete from
fully participating in an intercollegiate sport for such postsecondary
instituition because such student-athlete earns compensation for the use
of such student-athlete's name, image, or likeness rights or athletic
reputation.
(2) No collegiate athletic association shall penalize a student-
athlete or prevent a student-athlete from fully participating in an
intercollegiate sport because such student-athlete earns compensation for
the use of such student-athlete's name, image, or likeness rights or
athletic reputation.
(3) No collegiate athletic association shall penalize a
postsecondary institution or prevent a postsecondary institution from
fully participating in an intercollegiate sport because a student-athlete
participating in an intercollegiate sport for such postsecondary
institution earns compensation for the use of such student-athlete's
name, image, or likeness rights or athletic reputation.
(4) No postsecondary institution shall allow compensation earned by
a student-athlete for the use of such student-athlete's name, image, or
likeness rights or athletic reputation to affect the duration, amount, or
eligibility for or renewal of any athletic grant-in-aid or other
institutional scholarship, except that compensation earned by a student-
athlete for the use of such student-athlete's name, image, or likeness
rights or athletic reputation may be used for the calculation of income
for determining eligibility for a need-based scholarship.
Sec. 4. Any student-athlete who enters into a contract that
provides compensation for the use of such student-athlete's name, image,
likeness rights or athletic reputation shall disclose such contract to
an official of the postsecondary institution for which such student-
athlete participates in an intercollegiate sport. The official to which
such contract shall be disclosed shall be designated by each
postsecondary institution, and the designation shall be communicated in
writing to each student-athlete participating in an intercollegiate sport
for such postsecondary institution. Each postsecondary institution shall
be prohibited from disclosing any terms of such contract that the
student-athlete or the student-athlete's professional representation
dees to be a trade secret or otherwise nondisclosed.
Sec. 5. (1) No student-athlete shall enter into a contract with a
sponsor that provides compensation to the student-athlete for use of the
student-athlete's name, image, and likeness rights or athletic reputation
if (a) such contract requires such student-athlete to display such
sponsor's apparel or to otherwise advertise for the sponsor during
official team activities and (b) compliance with such contract
requirement would conflict with a team contract. Any postsecondary
institution asserting such conflict shall disclose to the student-athlete
and the student-athlete's professional representation, if applicable, the
full team contract that is asserted to be in conflict. The student-
athlete and the student-athlete's professional representation, if
applicable, shall be prohibited from disclosing any terms of a team
contract that the postsecondary institution deems to be a trade secret or
otherwise nondisclosed.
(2) No team contract shall prevent a student-athlete from receiving
compensation for the use of such student-athlete's name, image, and
likeness rights or athletic reputation when the student-athlete is not
engaged in official team activities.
Sec. 6. (1) No postsecondary institution or collegiate athletic
association shall penalize a student-athlete or prevent a student-athlete
from fully participating in an intercollegiate sport because such
student-athlete obtains professional representation in relation to a
contract or legal matter.
(2) No collegiate athletic association shall penalize a
postsecondary institution or prevent a postsecondary institution from
fully participating in an intercollegiate sport because a student-athlete
participating in an intercollegiate sport for such postsecondary
institution obtains professional representation in relation to a
contract or legal matter.
Sec. 7. (1) The Nebraska Fair Pay to Play Act shall not be applied
in a manner that violates any contract in effect prior to the date
determined by a postsecondary institution pursuant to section 9 of this
act with regard to such postsecondary institution or any student-athlete
who participates in an intercollegiate sport for such postsecondary
institution for as long as such contract remains in effect without
modification.
(2) On and after the date determined by a postsecondary institution
pursuant to section 9 of this act, such postsecondary institution shall
not enter into, modify, or renew any contract in a manner that conflicts
with the Nebraska Fair Pay to Play Act.
Sec. 8. (1) A student-athlete or a postsecondary institution
aggravated by a violation of the Nebraska Fair Pay to Play Act may bring a
civil action against the postsecondary institution or collegiate athletic
association committing such violation.
(2) A plaintiff who prevails in an action under the Nebraska Fair
Pay to Play Act shall be entitled to:
(a) Actual damages;
(b) Such preliminary and other equitable or declaratory relief as
may be appropriate; and
(1) Reasonable attorney's fees and other litigation costs reasonably
incurred.
(2) A public postsecondary institution may be sued upon claims
arising under the Nebraska Fair Pay to Play Act in the same manner as
provided for suits against a private postsecondary institution.
Sec. 9. Each postsecondary institution shall determine a date on or
before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall
begin to apply to such postsecondary institution and the student-athletes
8 who participate in an intercollegiate sport for such postsecondary
9 institution and to any collegiate athletic association or professional
10 representation in interactions with such postsecondary institution or
11 student-athlete.
12 Sec. 10. Section 48-2610, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 48-2610 (1) An agency contract must be in a record, signed or
15 otherwise authenticated by the parties.
16 (2) An agency contract must state or contain:
17 (a) The amount and method of calculating the consideration to be
18 paid by the student-athlete for services to be provided by the athlete
19 agent under the contract and any other consideration the athlete agent
20 has received or will receive from any other source for entering into the
21 contract or for providing the services;
22 (b) The name of any person not listed in the application for
23 registration or renewal of registration who will be compensated because
24 the student-athlete signed the agency contract;
25 (c) A description of any expenses that the student-athlete agrees to
26 reimburse;
27 (d) A description of the services to be provided to the student-
28 athlete;
29 (e) The duration of the contract; and
30 (f) The date of execution.
31 (3) An agency contract must contain, in close proximity to the
1 signature of the student-athlete, a conspicuous notice in boldface type
2 in capital letters stating:
3 WARNING TO STUDENT-ATHLETE
4 IF YOU SIGN THIS CONTRACT:
5 (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-
6 SPORTS-SERVICES CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
7 STUDENT-ATHLETE IN YOUR SPORT;
8 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING
9 INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
10 ATHLETIC DIRECTOR; AND
11 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
12 CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.
13 (4) An agency contract that does not conform to this section is
14 voidable by the student-athlete. If a student-athlete voids an agency
15 contract, the student-athlete is not required to pay any consideration
16 under the contract or to return any consideration received from the
17 athlete agent to induce the student-athlete to enter into the contract.
18 (5) The athlete agent shall give a record of the signed or otherwise
19 authenticated agency contract to the student-athlete at the time of
20 execution.
21 Sec. 11. Section 48-2614, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 48-2614 (1) An athlete agent, with the intent to induce a student-
24 athlete to enter into an agency contract, may not:
25 (a) Give any materially false or misleading information or make a
26 materially false promise or representation;
27 (b) Furnish anything of value to a student-athlete before the
28 student-athlete enters into the agency contract; or
29 (c) Furnish anything of value to any individual other than the
30 student-athlete or another registered athlete agent.
31 (2) An athlete agent may not intentionally:
1 (a) Initiate contact with a student-athlete unless registered under
2 the Nebraska Uniform Athlete Agents Act;
3 (b) Refuse or fail to retain or permit inspection of the records
4 required to be retained by section 48-2613;
5 (c) Fail to register when required by section 48-2604;
6 (d) Provide materially false or misleading information in an
application for registration or renewal of registration;
8 (e) Predate or postdate an agency contract; or
9 (f) Fail to notify a student-athlete before the student-athlete
signs or otherwise authenticates an agency contract for a particular
sport that entering into negotiations for, or signing, a professional-
sports-services contract the signing or authentication may make the
student-athlete ineligible to participate as a student-athlete in that
sport.
15 Sec. 12. If any section in this act or any part of any section is
declared invalid or unconstitutional, the declaration shall not affect
the validity or constitutionality of the remaining portions.
Sec. 13. Original sections 48-2610 and 48-2614, Reissue Revised
Statutes of Nebraska, are repealed.

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB720:
MO157
Bracket until April 23, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB997.
Senator Groene name added to LB997.
Senator Hilgers name added to LB997.
Senator M. Hansen name added to LB1015.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska Health Care
Association LEAD class from across the state; and former Senator Tom
Baker and members of the Nebraska Petroleum Producers Association.

The Doctor of the Day was Dr. Nathan Krug from Central City.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Gragert, the Legislature adjourned
until 9:00 a.m., Friday, February 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-EIGHTH DAY - FEBRUARY 21, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 2020

PRAYER

The prayer was offered by Pastor Greg Lawhorn, Community of Believers Church, Creighton.

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, B. Hansen, Lathrop, Morfeld, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 876. Placed on General File.

LEGISLATIVE BILL 801. Placed on General File with amendment.  

LEGISLATIVE BILL 993. Placed on General File with amendment.  

AM2142

1 1. On page 5, line 9, strike "renewal", show as stricken, and insert
2 "redevelopment".

AM2138

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 19-612, Revised Statutes Supplement, 2019, is
4 amended to read:
5 19-612 City council members in a city under the city manager plan of
6 government shall be nominated and elected as provided in section 32-538.
7 The number of city council members shall be determined by the class and
8 population of the city. In cities having one thousand or more but not
9 more than forty thousand inhabitants as determined by the most recent
10 federal decennial census or the most recent revised certified count by
11 the United States Bureau of the Census, there shall be five members, and
12 in cities having more than forty thousand but less than two hundred
13 thousand inhabitants as determined by the most recent federal decennial
14 census or the most recent revised certified count by the United States
15 Bureau of the Census, there shall be seven members, except that in cities
16 having between ten thousand and forty thousand inhabitants as determined
17 by the most recent federal decennial census or the most recent revised
18 certified count by the United States Bureau of the Census, the city
19 council may by ordinance provide for seven members. The terms of office
20 of all such members shall commence on the first regular meeting of such
21 city council in December following their election.
22 Sec. 2, Section 32-538, Revised Statutes Supplement, 2019, is
23 amended to read:
24 32-538 (1) In a city which adopts the city manager plan of
25 government pursuant to the City Manager Plan of Government Act, the
26 number of city council members shall be nominated at the statewide
27 primary election and elected at the statewide general election,
28 determined by the class and population of the city. In cities having one
29 thousand or more but not more than forty thousand inhabitants as
30 determined by the most recent federal decennial census or the most recent
31 revised certified count by the United States Bureau of the Census, there
32 shall be five members, and in cities having more than forty thousand but
33 less than two hundred thousand inhabitants as determined by the most
34 recent federal decennial census or the most recent revised certified
35 count by the United States Bureau of the Census, there shall be seven
36 members, except that in cities having between twenty-five thousand and
37 forty thousand inhabitants as determined by the most recent federal
38 decennial census or the most recent revised certified count by the United
39 States Bureau of the Census, the city council may by ordinance provide
40 for seven members. Council
41 (2) City council members shall be elected from the city at large
42 unless the city council by ordinance provides for the election of all or
43 some of the city in council members by wards, the number and boundaries
44 of which are provided for in section 16-104. City council council members
45 shall serve for terms of four years or until their successors are elected
46 and qualified. The city council members shall meet the qualifications
47 found in sections 19-613 and 19-613.01.
48 (3) The first election under an ordinance changing the number of
49 city council members or their manner of election shall take place at the
50 next statewide primary and general election. City
51 council council members whose terms of office expire after the election
52 shall continue in office until the expiration of the terms for which they
53 were elected and until their successors are elected and qualified. At the
54 first election under an ordinance changing the number of city council
55 members or their manner of election, one-half or the bare majority of
56 city council members elected at large, as the case may be, who receive
57 the highest number of votes shall serve for four years and the other or
58 others, if needed, for two years. At such first election, one-half or the
59 bare majority of city council members, as the case may be, who are
60 elected by wards shall serve for four years and the other or others, if
61 needed, for two years, as provided in the ordinance. If only one city
62 council member is to be elected at large at such first election, such
63 member shall serve for four years.
64 (2) Commencing with the statewide primary election in 1976, and
65 every two years thereafter, those candidates whose terms will be expiring
66 shall be nominated at the statewide primary election and elected at the
67 statewide general election.
10 Sec. 3. Original sections 19-612 and 32-538, Revised Statutes
11 Supplement, 2019, are repealed.

**LEGISLATIVE BILL 1178.** Placed on General File with amendment. AM2539

1. On page 4, line 30, strike "purposes" and insert "purpose"; and
2. in line 31 after "entity" insert "except that a land bank may enter"
3. into such an agreement for the purpose of providing clear title to such
4. real property, but in no case shall such agreement exceed a term of one
5. year."

(Signed) Justin Wayne, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Urban Affairs - LB866 and LB1003
Lowe - LB783
Agriculture - LB1152
Lathrop - LB912
Education - LB1131

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 1131.** Placed on General File with amendment. AM2456 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 20, 2020

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 Health and Human Services -
Division of Children and Family Services:

Stephanie Beasley, MSW, DHHS - Division of Children and Family Services, 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

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 20, 2020, 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

Beck, Craig
OpenSky Policy Institute

D'Angelo, Nicholas
Eaton Corporation

Linehan, Katie
American Federation for Children

Pappas, James E.
Independent Cattlemen of Nebraska (ICON)

Radcliffe, Walter H.
Radcliffe Gilbertson & Brady

ACLU Nebraska
American Institute of Architects, Nebraska Chapter

Townsend, Julie
Advance America

SELECT FILE

LEGISLATIVE BILL 1054. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 944. ER168, found on page 593, was adopted.

Senator Bostelman offered his amendment, AM2414, found on page 629.

The Bostelman amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Friesen offered his amendment, AM2396, found on page 669.

Pending.
LEGISLATIVE BILL 924. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. ER170, found on page 622, was adopted.

Senator Gragert offered his amendment, AM2443, found on page 679.

The Gragert amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Pansing Brooks offered the following motion:

MO158
Recommit to the Natural Resources Committee.

Senator Pansing Brooks withdrew her motion to recommit to committee.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 899. Placed on General File with amendment.

AM2487
1. On page 3, line 22, after "sell" insert "at wholesale advanced";
2 and in line 23 strike "which help reduce" and insert "and fuel byproducts
3 so long as the development, manufacture, use, purchase, or sale of such
4 biofuels and biofuel byproducts and other fuels and fuel byproducts is
5 done to help offset".

(Signed) Dan Hughes, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL 1088. Placed on General File with amendment.

AM2448 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson
Banking, Commerce and Insurance

LEGISLATIVE BILL 767. Placed on General File with amendment.

AM2412 is available in the Bill Room.

LEGISLATIVE BILL 954. Placed on General File with amendment.

AM2536
1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For the purposes of this section:
4 (a) Contracting entity means a person or entity that enters into
contracting the provider for the delivery of dental services in the ordinary course of business, including a dental carrier or third-party administrator;

(b) Dental carrier means a dental insurance company, a prepaid health service organization, or any other entity authorized to offer an insurance plan that provides dental services;

c) Dental services means services for the diagnosis, prevention, treatment, or cure of a dental condition, illness, injury, or disease.

Dental services does not include services delivered by a provider that are billed as medical services under a health insurance plan.

d) Provider means an individual or entity that provides dental services or supplies, as defined by the health benefits plan or dental benefits plan, including a dentist or physician, but not a physician organization that leases or rents its network to a third party;

e) Provider network contract means a contract between a contracting entity and a provider that specifies the rights and responsibilities of the contracting entity and provides for the delivery and payment of dental services to an enrollee; and

(f) Third party means a person or entity that enters into a contract with a contracting entity or with another third party to gain access to the dental services or contractual discounts of a provider network contract. Third party does not include an employer or other group for whom the dental carrier or contracting entity provides administrative services.

(2) A dental insurance plan, contract, or provider network contract with a provider shall not include any restrictions on methods of claim payment for dental services in which the only acceptable payment method is a credit card payment.

(3) A dental carrier may grant a third party access to a provider network contract, or a provider's dental services or contractual discounts provided pursuant to a provider network contract if, at the time the provider network contract is entered into or renewed, the dental carrier allows a provider who is part of a dental carrier's provider network to choose not to participate in third-party access to the provider network contract. The third-party access provision of the provider network contract shall be clearly identified. A dental carrier shall not grant a third party access to the provider network contract of any provider who does not participate in third-party access to the provider network contract.

A contracting entity may grant a third party access to a provider network contract, or a provider's dental services or contractual discounts provided pursuant to a provider network contract, if the following requirements are met:

(a) The contracting entity identifies all third parties in existence in a list on its Internet web site that is updated at least once every ninety days;

(b) The provider network contract specifically states that the contracting entity may enter into an agreement with a third party that would allow the third party to obtain the contracting entity's rights and responsibilities as if the third party were the contracting entity, and when the contracting entity is a dental carrier, the provider chose to participate in third-party access at the time the provider network contract was entered into;

(c) The third party accessing the provider network contract agrees to comply with all applicable terms of the provider network contract.

(5) A provider is not bound by and is not required to perform dental treatment or services under a provider network contract granted to a third party in violation of this section.

Subsections (3), (4), and (5) of this section shall not apply if any of the following is true:
7 (a) The provider network contract is for dental services provided to
8 a beneficiary of the federal medicare program pursuant to Title XVIII of
9 the federal Social Security Act, 42 U.S.C. 1395 et seq., or the federal
10 medicaid program pursuant to Title XIX of the federal Social Security
11 Act, 42 U.S.C. 1396 et seq., as such sections existed on January 1, 2020;
12 or
13 (b) Access to a provider network contract is granted to a dental
14 carrier or an entity operating in accordance with the same brand licensee
15 program as the contracting entity or to an entity that is an affiliate of
16 the contracting entity. A list of the contracting entity's affiliates
17 shall be made available to a provider on the contracting entity's web
18 site,
19 (7) This section shall take effect on January 1, 2021, and shall
20 apply to all provider network contracts that are delivered, issued for
21 delivery, or executed in this state on or after the effective date of
22 this act.
23 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
24 to Chapter 44, article 7.

(Signed) Matt Williams, Chairperson
Revenue

LEGISLATIVE BILL 187. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File with amendment.

LEGISLATIVE BILL 1033. Placed on General File with amendment.

LEGISLATIVE BILL 1042. Placed on General File with amendment.

(Signed) Lou Ann Linehan, Chairperson
Health and Human Services

LEGISLATIVE BILL 840. Placed on General File with amendment.
9 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
10 protect the public health and welfare by prohibiting smoking in public
11 places and places of employment with limited exceptions for guestrooms
12 and suites, research, tobacco retail outlets, electronic smoking device
13 retail outlets, and cigar shops. The limited exceptions permit smoking in
14 public places where the public would reasonably expect to find persons
15 smoking, including guestrooms and suites which are subject to
16 expectations of privacy like private residences, institutions engaged in
17 research related to smoking, and tobacco retail outlets, electronic
18 smoking device retail outlets, and cigar shops which provide the public
19 legal retail outlets to sample, use, and purchase tobacco products and
20 products related to smoking. The act shall not be construed to prohibit
21 or otherwise restrict smoking in outdoor areas. The act shall not be
22 construed to permit smoking where it is prohibited or otherwise
23 restricted by other applicable law, ordinance, or resolution. The act
24 shall be liberally construed to further its purpose.
25 Sec. 3. Section 71-5718, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
28 definitions found in sections 71-5719 to 71-5728 and sections 4 and 5 of
29 this act apply.
30 Sec. 4. Electronic smoking device means any product containing or
31 delivering nicotine or any other substance intended for human consumption
32 that can be used by a person in any manner for the purpose of inhaling
33 vapor or aerosol from the product. The term includes any such device
34 regardless of whether it is manufactured, distributed, marketed, or sold
35 as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any
36 other product name or descriptor.
37 Sec. 5. Electronic smoking device retail outlet means a store that
38 is licensed as provided under sections 28-1421 and 28-1422, that sells
39 only electronic smoking devices and products directly related to
40 electronic smoking devices, and that does not allow a person under the
41 age of twenty-one years to enter such store. Products directly related to
42 electronic smoking devices do not include alcohol, coffee, soft drinks,
43 candy, groceries, or gasoline.
44 Sec. 6. Section 71-5727, Reissue Revised Statutes of Nebraska, is
45 amended to read:
46 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
47 projecting any lighted or heated cigar, cigarette, pipe, hookah, or any
48 other lighted or heated tobacco or plant product intended for inhalation,
49 whether natural or synthetic, in any manner or in any form. The term
50 includes the use of an electronic smoking device which creates an aerosol
51 or vapor, in any manner or in any form the lighting of any cigarette,
52 cigar, pipe, or other smoking material or the possession of any lighted
53 cigarette, cigar, pipe, or other smoking material, regardless of its
54 composition.
55 Sec. 7. Section 71-5730, Reissue Revised Statutes of Nebraska, is
56 amended to read:
57 71-5730 (1) The following indoor areas are exempt from section
58 71-5729:
59 (a) Guestrooms and suites that are rented to guests and that are
60 designated as smoking rooms, except that not more than twenty percent of
61 rooms rented to guests in an establishment may be designated as smoking
62 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
63 from such rooms shall not infiltrate into areas where smoking is
64 prohibited under the Nebraska Clean Indoor Air Act;
65 (b) Indoor areas used in connection with a research study on the
66 health effects of smoking conducted in a scientific or analytical
67 laboratory under state or federal law or at a college or university
68 approved by the Coordinating Commission for Postsecondary Education;
11 (c) Tobacco retail outlets; and
12 (d) Cigar shops as defined in section 53-103.08.
13 (2) Electronic smoking device retail outlets are exempt from section
14 71-5729 as it relates to the use of electronic smoking devices only.
15 (3)(a) The Legislature finds that allowing smoking in tobacco
16 retail outlets as a limited exception to the Nebraska Clean Indoor Air
17 Act does not interfere with the original intent that the general public
18 and employees not be unwillingly subjected to second-hand smoke since the
19 general public does not frequent tobacco retail outlets and should
20 reasonably expect that there would be second-hand smoke in tobacco retail
21 outlets and could choose to avoid such exposure. The products that
22 tobacco retail outlets sell are legal for customers who meet the age
23 requirement. Customers should be able to try them within the tobacco
24 retail outlet, especially given the way that tobacco customization may
25 occur in how tobacco is blended and cigars are produced. The Legislature
26 finds that exposure to second-hand smoke is inherent in the selling and
27 sampling of cigars and pipe tobacco and that this exposure is
28 inextricably connected to the nature of selling this legal product,
29 similar to other inherent hazards in other professions and employment.
30 (b)(3) is the intent of the Legislature to allow cigar and pipe
31 smoking in tobacco retail outlets that meet specific statutory criteria
32 not inconsistent with the fundamental nature of the business. This
33 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
34 accordance with the intent of the act to protect public places and places
35 of employment.
36 (4)(a) The Legislature finds that allowing smoking in cigar
37 shops as a limited exception to the Nebraska Clean Indoor Air Act does
38 not interfere with the original intent that the general public and
39 employees not be unwillingly subjected to second-hand smoke. This
40 exception poses a de minimis restriction on the public and employees
41 given the limited number of cigar shops compared to other businesses that
42 sell alcohol, cigars, and pipe tobacco, and any member of the public
43 should reasonably expect that there would be second-hand smoke in a cigar
44 shop given the nature of the business and could choose to avoid such
45 exposure.
46 (b) The Legislature finds that (i) cigars and pipe tobacco have
47 different characteristics than other forms of tobacco such as cigarettes,
48 (ii) cigars are customarily paired with various spirits such as cognac,
49 single malt whiskey, bourbon, rum, rye, port, and others, and (iii)
50 unlike cigarette smokers, cigar and pipe smokers may take an hour or
51 longer to enjoy a cigar or pipe while cigarettes simply serve as a
52 mechanism for delivering nicotine. Cigars paired with selected liquor
53 creates a synergy unique to the particular pairing similar to wine paired
54 with particular foods. Cigars are a pure, natural product wrapped in a
55 tobacco leaf that is typically not inhaled in order to enjoy the taste of
56 the smoke, unlike cigarettes that tend to be processed with additives and
57 wrapped in paper and are inhaled. Cigars have a different taste and smell
58 than cigarettes due to the fermentation process cigars go through during
59 production. Cigars tend to cost considerably more than cigarettes, and
60 their quality and characteristics vary depending on the type of tobacco
61 plant, the geography and climate where the tobacco was grown, and the
62 overall quality of the manufacturing process. Not only does the
63 customized blending of the tobacco influence the smoking experience, so
64 does the freshness of the cigars, which is dependent on how the cigars
65 were stored and displayed. These variables are similar to fine wines,
66 which can also be very expensive to purchase. It is all of these
67 variables that warrant a customer wanting to sample the product before
68 making such a substantial purchase.
69 (c) The Legislature finds that exposure to second-hand smoke is
70 inherent in the selling and sampling of cigars and pipe tobacco and that
9 this exposure is inextricably connected to the nature of selling this
10 legal product, similar to other inherent hazards in other professions and
11 employment.
12 (d) It is the intent of the Legislature to allow cigar and pipe
13 smoking in cigar shops that meet specific statutory criteria not
14 inconsistent with the fundamental nature of the business. This exception
15 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
16 with the intent of the act to protect public places and places of
17 employment.
18 Sec. 8. Section 71-5735, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 71-5735 (1) The owner of a tobacco retail outlet shall post a sign
21 on all entrances to the tobacco retail outlet, on the outside of each
22 door, in a conspicuous location slightly above or next to the door, with
23 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
24 THIS BUSINESS. SMOKING OF CIGARETTES AND ELECTRONIC SMOKING DEVICES IS
25 NOT ALLOWED.
26 (2) Beginning November 1, 2015, the owner shall provide to the
27 Division of Public Health a copy of a waiver signed prior to employment
28 by each employee on a form prescribed by the division. The waiver shall
29 expressly notify the employee that he or she will be exposed to second-
30 hand smoke, and the employee shall acknowledge that he or she understands
31 the risks of exposure to second-hand smoke.
1 (3) The owner shall not allow cigarette smoking or the use of an
2 electronic smoking device in the tobacco retail outlet.
3 Sec. 9. Original sections 71-5716, 71-5717, 71-5718, 71-5727, 71-5730,
4 71-5735, and 71-5735, Reissue Revised Statutes of Nebraska, are repealed.

(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
appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark M. Bulger - Commission for the Blind and Visually Impaired
Brent Heyen - Commission for the Blind and Visually Impaired
Kimberly Scherbarth - Commission for the Blind and Visually Impaired

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

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.
Stephan Budke - Nebraska Motor Vehicle Industry Licensing Board
Dennis Cloninger - Nebraska Motor Vehicle Industry Licensing Board
Brad Jacobs - Nebraska Motor Vehicle Industry Licensing Board
Clint Jones - Nebraska Motor Vehicle Industry Licensing Board
Joseph Kosiski - Nebraska Motor Vehicle Industry Licensing Board
Thomas R. McCaslin - Nebraska Motor Vehicle Industry Licensing Board
Matthew O'Daniel - Nebraska Motor Vehicle Industry Licensing Board
Curt Prohaska - Nebraska Motor Vehicle Industry Licensing Board
Dennis R. Schworer - Nebraska Motor Vehicle Industry Licensing Board


(Signed) Curt Friesen, Chairperson

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

Senator Williams filed the following amendment to LB909:

AM2544  
(Amendments to Standing Committee amendments, AM2312)

1. On page 98, line 10, after "(5)" insert "A licensee may offer a delayed deposit services business only at an office designated as its principal place of business and any branch office established pursuant to this section."

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Business and Labor - LB1160
Revenue - LB1074
La Grone - LB1042
Quick - LB840
Bolz - LB43
Agriculture - LB791
Hilkemann - LB1148
State-Tribal Relations - LB848
Cavanaugh - LB1060
Briese - LB930
McCullister - LB283
McDonnell - LB963
Friesen - LB461
Hilgers - LB1183
GENERAL FILE

LEGISLATIVE BILL 1061. Title read. Considered.

SENATOR SLAMA PRESIDING

Committee AM2417, found on page 639, was offered.

The committee amendment 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 43 ayes, 0 nays, and 6 present and not voting.

LEGISLATIVE BILL 1014. Title read. Considered.

Senator Lindstrom offered his amendment, AM2449, found on page 681.

The Lindstrom amendment was adopted with 41 ayes, 0 nays, 7 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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1016. Placed on Select File with amendment.

ER174

1. On page 1, strike beginning with "and" in line 1 through line 5
2 and insert ", 48-1231, 48-2107, and 48-2907, Revised Statutes Cumulative
3 Supplement, 2018, and sections 48-622.03 and 48-1234, Revised Statutes
4 Supplement, 2019; to change reporting requirements for the Department of
5 Labor; to prohibit retaliation or discrimination by employers as
6 prescribed; to provide and change requirements for claims under the
7 Nebraska Wage Payment and Collection Act; to provide restrictions on
8 employers with unpaid citations under the act; to require public posting
9 of certain information related to compliance with the act; to change fee
10 provisions under the Contractor Registration Act; to change enforcement
11 provisions under the Employee Classification Act; to eliminate provisions
12 related to service letters, high voltage lines, and private employment
13 agencies; to harmonize provisions; to provide operative dates; to repeal
14 the original sections; to outright repeal sections 48-209, 48-210,
15 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505, 48-506, 48-507,
16 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515, 48-516, 48-517,
17 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524, Reissue Revised
18 Statutes of Nebraska; and to declare an emergency."

LEGISLATIVE BILL 997. Placed on Select File with amendment.

ER173

1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 17 of this act shall be known and may be
4 cited as the Out-of-Network Emergency Medical Care Act.
5 Sec. 2. For purposes of the Out-of-Network Emergency Medical Care
6 Act, the definitions found in sections 3 to 13 of this act apply.
7 Sec. 3. Covered person means a person on whose behalf an insurer is
8 obligated to pay health care expense benefits or provide health care
9 services.
10 Sec. 4. Emergency medical condition means a medical or behavioral
11 condition, the onset of which is sudden, that manifests itself by
12 symptoms of sufficient severity, including, but not limited to, severe
13 pain, that a prudent layperson, possessing an average knowledge of
14 medicine and health, could reasonably expect the absence of immediate
15 medical attention to result in (1) placing the health of the person
16 afflicted with such condition in serious jeopardy or, in the case of a
17 behavioral condition, placing the health of such persons or others in
18 serious jeopardy, (2) serious impairment to such person's body
19 functions, (3) serious disfigurement of any bodily organ or part of such
20 person, or (4) serious disfigurement of such person.
21 Sec. 5. Emergency services means health care services medically
22 necessary to screen and stabilize a covered person in connection with an
23 emergency medical condition.
24 Sec. 6. (1) Health benefits plan means a benefits plan which pays
25 or provides hospital and medical expense benefits for covered services
26 and is delivered or issued for delivery in this state by or through an
27 insurer.
28 (2) Health benefits plan does not include the medical assistance
29 program, Medicare, Medicare Advantage, accident-only, credit, disability,
30 or long-term care coverage, TRICARE supplement coverage, coverage arising
31 out of a workers' compensation or similar law, automobile medical payment
32 insurance, personal injury protection insurance, and hospital confinement
33 indemnity coverage.
34 Sec. 7. Health care facility means a general acute hospital,
35 satellite emergency department, or ambulatory surgical center licensed
36 pursuant to the Health Care Facility Licensure Act.
37 Sec. 8. Health care professional means an individual who is
38 credentialed pursuant to the Uniform Credentialing Act, who is acting
39 within the scope of his or her credential, and who provides a covered
40 service defined by the health benefits plan.
41 Sec. 9. Health care provider means a health care professional or
42 health care facility.
43 Sec. 10. Insurer means an entity that contracts to provide,
44 deliver, arrange for, pay for, or reimburse any of the costs of health
45 care services under a health benefits plan, including (1) any individual
46 or group sickness and accident insurance policy or subscriber contract
47 delivered, issued for delivery, or renewed in this state and any
48 hospital, medical, or surgical expense-incurred policy, except for a
49 policy that provides coverage for a specified disease or other limited-
50 benefit coverage, and (2) any self-funded employee benefit plan to the
51 extent not preempted by federal law.
52 Sec. 11. Medical assistance program means the medical assistance
53 program established pursuant to the Medical Assistance Act.
54 Sec. 12. Medically necessary means a health care service that a
55 health care provider, exercising his or her prudent clinical judgment,
56 would provide to a covered person for the purpose of evaluating,
57 diagnosing, or treating an illness, an injury, or a disease, or its
58 symptoms, and that is in accordance with the generally accepted standards
59 of medical practice; that is clinically appropriate, in terms of type,
60 frequency, extent, site, and duration, and considered effective for the
61 covered person's illness, injury, or disease; that is not primarily for
62 the convenience of the covered person or the health care provider; and
63 that is not more costly than an alternative service or sequence of
6 services at least as likely to produce equivalent therapeutic or
7 diagnostic results as to the diagnosis or treatment of that covered
8 person's illness, injury, or disease.
9 Sec. 13. TRICARE means a health care program of the United States
10 Department of Defense Military Health System.
11 Sec. 14. If a covered person receives emergency services at any
12 health care facility, the facility shall not bill the covered person in
13 excess of any deductible, copayment, or coinsurance amount applicable to
14 in-network services pursuant to the covered person's health benefits
15 plan.
16 Sec. 15. If a covered person receives emergency services at an in-
17 network or out-of-network health care facility, the health care provider
18 performing those services shall not bill the covered person in excess of
19 any deductible, copayment, or coinsurance amount applicable to in-network
20 services pursuant to the covered person's health benefits plan.
21 Sec. 16. (1) If a covered person receives emergency services at an
22 in-network or out-of-network health care facility, the insurer shall
23 ensure that the covered person incurs no greater out-of-pocket costs than
24 the covered person would have incurred with an in-network health care
25 provider for covered services.
26 (2) With respect to emergency services at an in-network or out-of-
27 network health care facility, if the out-of-network health care provider
28 bills an insurer directly, any reimbursement paid by the insurer shall be
29 paid directly to the out-of-network health care provider. The insurer
30 shall provide the out-of-network health care provider with a written
31 remittance of payment that specifies the proposed reimbursement and the
32 applicable deductible, copayment, or coinsurance amounts owed by the
33 covered person.
34 (3) If emergency services provided at an in-network or out-of-
35 network health care facility are performed, the out-of-network health
36 care provider may bill the insurer for the services rendered. The insurer
37 may pay the billed amount. A claim or a payment shall be presumed
38 reasonable if it is based on the higher of (a) the contracted rate under
39 any then-existing in-network contractual relationship between the insurer
40 and the out-of-network health care provider for the same or similar
41 services or (b) one hundred seventy-five percent of the payment rate for
42 medicare services received from the federal Centers for Medicare and
43 Medicaid Services for the same or similar services in the same geographic
44 area. If the out-of-network health care provider deems the payment made
45 by the insurer unreasonable, the out-of-network health care provider
46 shall return payment to the insurer and utilize the dispute resolution
47 procedure under section 17 of this act.
48 Sec. 17. (1) If an insurer or an out-of-network health care
49 provider provides notification that it considers a claim or payment to be
50 not reasonable, the insurer and the health care provider shall have
51 thirty days after the date of such notification to negotiate a
52 settlement. If a settlement has not been reached after such thirty-day
53 period, the insurer and the health care provider shall engage in
54 mediation in accordance with the Uniform Mediation Act. The insurer may
55 attempt to negotiate a final reimbursement amount with the out-of-network
56 health care provider which differs from the amount paid by the insurer
57 pursuant to this section.
58 (2) Following completion of the mediation process, the cost of
59 mediation shall be split evenly and paid by the insurer and the health
60 care provider.
61 (3) Mediation shall not be used when the insurer and the health care
62 provider agree to a separate payment arrangement.
63 Sec. 18. This act becomes operative on January 1, 2021.

(Signed) Julie Slama, Chairperson
AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB424:
AM2568
(Amendments to AM2122)
1 1. On page 11, line 30, strike "To", show as stricken, and insert
2 "Except as provided in subsection (8) of section 8 of this act, to".
3 2. On page 13, after line 22 insert the following new subsection:
4 "(8) Beginning on the effective date of this act, a land bank shall
5 not enter into an agreement with any nonprofit corporation or other
6 private entity for the purpose of temporarily holding real property for
7 such nonprofit corporation or private entity, except that a land bank may
8 enter into such an agreement for the purpose of providing clear title to
9 such real property, but in no case shall such agreement exceed a term of
10 one year.".
11 3. On page 19, lines 4, 13, and 16, after "taxes" insert "or special
12 assessments".

Senator M. Hansen filed the following amendment to LB962:
AM2580
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 Nebraska Fair Pay to Play Act.
5 Sec. 2. For purposes of the Nebraska Fair Pay to Play Act:
6 (1) Athletic grant-in-aid means the money given to a student-athlete
7 by a postsecondary institution for tuition, fees, room, board, and
8 textbooks as consideration for the student-athlete's participation in an
9 intercollegiate sport for such postsecondary institution and does not
10 include compensation for the use of the student-athlete's name, image, or
11 likeness rights or athletic reputation;
12 (2) Collegiate athletic association means any athletic association,
13 conference, or other group or organization with authority over
14 intercollegiate sports;
15 (3) Compensation for the use of a student-athlete's name, image, or
16 likeness rights or athletic reputation includes, but is not limited to,
17 consideration received pursuant to an endorsement contract as defined in
18 section 48-2602;
19 (4) Intercollegiate sport has the same meaning as in section
20 48-2602;
21 (5) Postsecondary institution has the same meaning as in section
22 85-2403;
23 (6) Professional representation includes, but is not limited to,
24 representation provided by an athlete agent holding a certificate of
25 registration under the Nebraska Uniform Athlete Agents Act, a financial
26 advisor registered under the Securities Act of Nebraska, or an attorney
27 admitted to the bar by order of the Supreme Court of this state;
1 (7) Sponsor means an individual or organization that pays money or
2 provides goods or services in exchange for advertising rights;
3 (8) Student-athlete has the same meaning as in section 48-2602; and
4 (9) Team contract means a contract between a postsecondary
5 institution or a postsecondary institution's athletic department and a
6 sponsor;
7 Sec. 3. (1) No postsecondary institution shall uphold any rule,
8 requirement, standard, or limitation that prevents a student-athlete from
9 fully participating in an intercollegiate sport for such postsecondary
10 institution because such student-athlete earns compensation for the use
11 of such student-athlete's name, image, or likeness rights or athletic
12 reputation.
13 (2) No collegiate athletic association shall penalize a student-
14 athlete or prevent a student-athlete from fully participating in an
15 intercollegiate sport because such student-athlete earns compensation for
16 the use of such student-athlete's name, image, or likeness rights or
17 athletic reputation.
18 (3) No collegiate athletic association shall penalize a
19 postsecondary institution or prevent a postsecondary institution from
20 fully participating in an intercollegiate sport because a student-athlete
21 participating in an intercollegiate sport for such postsecondary
22 institution earns compensation for the use of such student-athlete's
23 name, image, or likeness rights or athletic reputation.
24 (4) No postsecondary institution shall allow compensation earned by
25 a student-athlete for the use of such student-athlete's name, image, or
26 likeness rights or athletic reputation to affect the duration, amount, or
27 eligibility for or renewal of any athletic grant-in-aid or other
28 institutional scholarship, except that compensation earned by a student-
29 athlete for the use of such student-athlete's name, image, or likeness
30 rights or athletic reputation may be used for the calculation of income
31 for determining eligibility for a need-based scholarship.
1 Sec. 4. Any student-athlete who enters into a contract that
2 provides compensation for the use of such student-athlete's name, image,
3 or likeness rights or athletic reputation shall disclose such contract to
4 an official of the postsecondary institution for which such student-
5 athlete participates in an intercollegiate sport. The official to which
6 such contract shall be disclosed shall be designated by each
7 postsecondary institution, and the designation shall be communicated in
8 writing to each student-athlete participating in an intercollegiate sport
9 for such postsecondary institution. Unless otherwise required by law,
10 each postsecondary institution shall be prohibited from disclosing any
11 terms of such contract that the student-athlete or the student-athlete's
12 professional representation deems to be a trade secret or otherwise
13 nondisclosable.
14 Sec. 5. (1) No student-athlete shall enter into a contract with a
15 sponsor that provides compensation to the student-athlete for use of the
16 student-athlete's name, image, and likeness rights or athletic reputation
17 if (a) such contract requires such student-athlete to display such
18 sponsor's apparel or to otherwise advertise for the sponsor during
19 official team activities and (b) compliance with such contract
20 requirement would conflict with a team contract. Any postsecondary
21 institution asserting such conflict shall disclose to the student-athlete
22 and the student-athlete's professional representation, if applicable, the
23 full team contract that is asserted to be in conflict. The student-
24 athlete and the student-athlete's professional representation, if
25 applicable, shall be prohibited from disclosing any terms of a team
26 contract that the postsecondary institution deems to be a trade secret or
27 otherwise nondisclosable.
28 (2) No team contract shall prevent a student-athlete from receiving
29 compensation for the use of such student-athlete's name, image, and
30 likeness rights or athletic reputation when the student-athlete is not
31 engaged in official team activities.
1 Sec. 6. (1) No postsecondary institution or collegiate athletic
2 association shall penalize a student-athlete or prevent a student-athlete
3 from fully participating in an intercollegiate sport because such
4 student-athlete obtains professional representation in relation to a
5 contract or legal matter.
6 (2) No collegiate athletic association shall penalize a
7 postsecondary institution or prevent a postsecondary institution from
8 fully participating in an intercollegiate sport because a student-athlete
9 participating in an intercollegiate sport for such postsecondary
10 institution obtains professional representation in relation to a contract
11 or legal matter.
12 Sec. 7. (1) The Nebraska Fair Pay to Play Act shall not be applied
13 in a manner that violates any contract in effect prior to the date
14 determined by a postsecondary institution pursuant to section 9 of this
15 act with regard to such postsecondary institution or any student-athlete
16 who participates in an intercollegiate sport for such postsecondary
17 institution for as long as such contract remains in effect without
18 modification.
19 (2) On and after the date determined by a postsecondary institution
20 pursuant to section 9 of this act, such postsecondary institution shall
21 not enter into, modify, or renew any contract in a manner that conflicts
22 with the Nebraska Fair Pay to Play Act;
23 Sec. 8. (1) A student-athlete or a postsecondary institution
24 aggrieved by a violation of the Nebraska Fair Pay to Play Act may bring a
25 civil action against the postsecondary institution or collegiate athletic
26 association committing such violation.
27 (2) A plaintiff who prevails in an action under the Nebraska Fair
28 Pay to Play Act shall be entitled to:
29 (a) Actual damages;
30 (b) Such preliminary and other equitable or declaratory relief as
31 may be appropriate; and
1 (c) Reasonable attorney’s fees and other litigation costs reasonably
2 incurred.
3 (3) A public postsecondary institution may be sued upon claims
4 arising under the Nebraska Fair Pay to Play Act only to the extent
5 allowed under the State Tort Claims Act, the State Contract Claims Act,
6 or the State Miscellaneous Claims Act.
7 Sec. 9. Each postsecondary institution shall determine a date on or
8 before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall
9 begin to apply to such postsecondary institution and the student-athletes
10 who participate in an intercollegiate sport for such postsecondary
11 institution and to any collegiate athletic association or professional
12 representation in interactions with such postsecondary institution or
13 student-athlete.
14 Sec. 10. Section 48-2610, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 48-2610 (1) An agency contract must be in a record, signed or
17 otherwise authenticated by the parties.
18 (2) An agency contract must state or contain:
19 (a) The amount and method of calculating the consideration to be
20 paid by the student-athlete for services to be provided by the athlete
21 agency under the contract and any other consideration the athlete agent
22 has received or will receive from any other source for entering into the
23 contract or for providing the services;
24 (b) The name of any person not listed in the application for
25 registration or renewal of registration who will be compensated because
26 the student-athlete signed the agency contract;
27 (c) A description of any expenses that the student-athlete agrees to
28 reimburse;
29 (d) A description of the services to be provided to the student-
30 athlete;
31 (e) The duration of the contract; and
1 (f) The date of execution.
2 (3) An agency contract must contain, in close proximity to the
3 signature of the student-athlete, a conspicuous notice in boldface type
4 in capital letters stating:
5 WARNING TO STUDENT-ATHLETE
6 IF YOU SIGN THIS CONTRACT:
7 (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-
8 SPORTS-SERVICES CONTRACT YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
9 STUDENT-ATHLETE IN YOUR SPORT;
10 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING
11 INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
12 ATHLETIC DIRECTOR; AND
13 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
14 CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.
15 (4) An agency contract that does not conform to this section is
16 voidable by the student-athlete. If a student-athlete voids an agency
17 contract, the student-athlete is not required to pay any consideration
18 under the contract or to return any consideration received from the
19 athlete agent to induce the student-athlete to enter into the contract.
20 (5) The athlete agent shall give a record of the signed or otherwise
21 authenticated agency contract to the student-athlete at the time of
22 execution.
23 Sec. 11. Section 48-2614, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 48-2614 (1) An athlete agent, with the intent to induce a student-
26 athlete to enter into an agency contract, may not:
27 (a) Give any materially false or misleading information or make a
28 materially false promise or representation;
29 (b) Furnish anything of value to a student-athlete before the
30 student-athlete enters into the agency contract; or
31 (c) Furnish anything of value to any individual other than the
32 student-athlete or another registered athlete agent.
3 (2) An athlete agent may not intentionally:
3 (a) Initiate contact with a student-athlete unless registered under
4 the Nebraska Uniform Athlete Agents Act;
5 (b) Refuse or fail to retain or permit inspection of the records
6 required to be retained by section 48-2613;
7 (c) Fail to register when required by section 48-2604;
8 (d) Provide materially false or misleading information in an
9 application for registration or renewal of registration;
10 (e) Predate or postdate an agency contract; or
11 (f) Fail to notify a student-athlete before the student-athlete
12 signs or otherwise authenticates an agency contract for a particular
13 sport that entering into negotiations for, or signing, a professional-
14 sports-services contract the signing or authentication may make the
15 student-athlete ineligible to participate as a student-athlete in that
16 sport.
17 Sec. 12. If any section in this act or any part of any section is
18 declared invalid or unconstitutional, the declaration shall not affect
19 the validity or constitutionality of the remaining portions.
20 Sec. 13. Original sections 48-2610 and 48-2614, Reissue Revised
21 Statutes of Nebraska, are repealed.

Senator Vargas filed the following amendment to LB283:

AM2576

(Amendments to Standing Committee amendments, AM2481)
1 1. On page 2, line 15, strike "Collection" and insert "Cash".
ANNOUNCEMENT(S)

Priority designation(s) received:

Hughes - LB931  
Natural Resources - LB632  
Groene - LB1021  
Wayne - LB1218  
Legislature's Planning - LB1155  
Judiciary - LB1004 and LB1062  
Vargas - LB1089  
B. Hansen - LB1203  
Scheer - LB1106

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Gragert name added to LB752.  
Senator Wayne name added to LB770.  
Senator M. Hansen name added to LB866.  
Senator Wayne name added to LB876.  
Senator Wayne name added to LB984.  
Senator M. Hansen name added to LB997.  
Senator Wayne name added to LB1003.  
Senator Hilgers name added to LB1046.

ANNOUNCEMENT(S)

Senator Groene announced the Education Committee will meet February 25, 2020, at 1:00 p.m. instead of 1:30 p.m. in Room 1525.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska School Counselor Association, Senator McDonnell's niece, Josie McDonnell, and Megan McDougal, Tasha Osten, and Loni Watson; Morgan Wallace from Scottsbluff; and students and teacher from South High School, Omaha.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.
ADJOURNMENT

At 11:49 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Monday, February 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-NINTH DAY - FEBRUARY 24, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 2020

PRAYER

The prayer was offered by Chaplain Deb Badeer, Grand Lodge at the Preserve and Lincoln Chaplaincy Corps, 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 Brewer, Cavanaugh, DeBoer, Friesen, La Grone, Lindstrom, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

ATTORNEY GENERAL’S OPINION

Opinion 20-001

SUBJECT: Whether Legislation Authorizing City Airport Authorities To Provide Minimum Revenue Guarantees To Private Airlines Offering To Furnish New And Additional Services Would Violate Neb. Const. Art. XIII, § 3

REQUESTED BY: Senator Mike Hilgers
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 concerning a proposed bill that would amend Neb. Rev. Stat. § 3-504.02 (2012) to authorize airport authorities of all classes of cities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." According to your letter, the services would "be funded through local property tax, which are levied under authorization of § 3-504.02." You add that minimum revenue guarantees "occur when a governmental entity agrees to compensate a private contractor if actual project revenue falls below a specified threshold in order to mitigate the risk taken by the private sector contractor."

You ask whether legislation authorizing an airport authority to offer minimum revenue guarantees to private airlines would violate art. XIII, § 3 of the Nebraska Constitution which, with certain exceptions not applicable here, prohibits extending the credit of the state to any private individual, association or corporation.

ARTICLE XIII, § 3 AND APPLICABLE STATUTES

Neb. Const. art. XIII, § 3 provides: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature."

Turning to the statutes most relevant to your questions, Neb. Rev. Stat. § 3-502(1) (Cum. Supp. 2018) provides that a city may create an airport authority to be managed and controlled by a board. Subsection (2) then provides that each board "shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established." Id.

Neb. Rev. Stat. § 3-504.02 (2012) provides, in part: "An airport authority may, and in cities of the primary class shall, in addition to the powers enumerated in section 3-504, encourage, foster, and promote the development of commercial and general aviation for the city which it serves, and advance the interests of such city in aeronautics and in commercial air transportation and its scheduling." You inquire about a proposed bill that would amend § 3-504.02 to authorize all city airport authorities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." You are concerned about the constitutionality of a city airport authority offering minimum revenue guarantees to private airlines.
ANALYSIS

I. Whether A City Airport Authority Is Governed by the Constitutional Prohibition Against Lending the Credit of the State

The Nebraska Supreme Court has held that the prohibition contained in art. XIII, § 3 applies to the State and all political subdivisions of the State. "Political subdivisions of the State exist at the will of the State exercised through the Legislature. For us to say that the State may not loan its credit to an individual, association, or corporation, but that it might create a political subdivision and authorize it to do that which the State itself is prohibited from doing would be, to say the least, a very anomalous situation." State ex rel. Beck v. City of York, 164 Neb. 223, 224-4, 82 N.W.2d 269, 271 (1957). "Article XIII, § 3 of the Nebraska Constitution prevents the state or any of its governmental subdivisions from extending the state's credit to private enterprise." Japp v. Papio-Missouri River Natural Resources Dist., 273 Neb. 779, 787, 733 N.W.2d 551, 558 (2007).


While an airport authority is described at § 3-502 as "an agency of the city" the Nebraska Supreme Court has held that a city airport authority is a separate and independent corporate entity and not "merely an agent of the city in the same sense as a municipal department, commission, or board" as argued by the plaintiff in Lock v. City of Imperial, 182 Neb. 526, 529, 155 N.W.2d 924, 925 (1968) ["Lock"]. In that personal injury action, the Court held that the City of Imperial was not the proper party defendant because the airport authority "is a supplementary, separate, and independent public corporation, and the parent municipal corporation is not liable for the torts of the authority." Id. at 531, 155 N.W.2d at 927.

In a more recent case, Brothers v. Kimball County Hospital, 289 Neb. 879, 857 N.W.2d 789 (2015), the Court was required to determine whether a county hospital was a separate and distinct political subdivision from the county for purposes of the Political Subdivisions Tort Claims Act. In its analysis the Court referred to Lock as a case holding "that a city airport authority was an independent political subdivision." Id. at 886, 857 N.W.2d at 796.
Our office has previously determined that a city airport authority is a political subdivision in an opinion considering whether the Atkinson Airport Authority was subject to inspection by the State Electrical Division. Op. Att'y Gen. No. 91030 (April 16, 1991). We also concluded that a city airport authority is a political subdivision for purposes of a bill that required that the county clerk set a preliminary tax rate for each political subdivision which levied property taxes in the county the previous year. Op. Att'y Gen. No. 96065 (August 22, 1996).

In our view, a city airport authority is a political subdivision which is governed by the constitutional prohibition against lending the credit of the state.

II. Whether Authorizing A City Airport Authority To Offer Minimum Revenue Guarantees Violates The Prohibition On Lending The Credit Of The State.

You ask whether a proposed bill, that would amend Neb. Rev. Stat. § 3-504.02 to authorize city airport authorities to offer minimum revenue guarantees to airlines offering to provide new service to cities, would violate the constitutional prohibition on lending the credit of the state. As stated above, Neb. Const. art. XIII, § 3 prohibits extending the credit of the state to any individual, association, or corporation.¹

The Nebraska Supreme Court interpreted art. XIII, § 3 in Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991) ["Haman"]. At issue in Haman was legislation which appropriated state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska. The Court set out a three-prong test, stating that a plaintiff had to prove each of the following elements to establish a law violated this constitutional provision: (1) The credit of the state (2) was given or loaned, (3) in aid of any individual, association, or corporation. Id. at 719, 467 N.W.2d at 850.²

Regarding the first element of the test, the credit of the state, the Court distinguished the loaning of the state's credit from the loaning of state funds. "The state's credit is inherently the power to levy taxes and involves the obligation of its general fund. There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." Id. at 719-20, 467 N.W.2d at 850 (citation omitted). The Court further explained that "the purpose of article XIII, § 3 of Nebraska's Constitution is to prevent the state or any of its governmental subdivisions from extending the state's credit to private enterprise. It is designed to prohibit the state from acting as a surety or guarantor of the debt of another." Id. at 718, 467 N.W.2d at 850 (citation omitted). Therefore, the bill in question in Haman, which would have obligated the state's general fund to pay off the guaranties of a private corporation, was held to violate article XIII, § 3.
Haman is consistent with prior Nebraska cases finding violations of art. XIII, § 3. See Oxnard Beet Sugar Co. v. State, 73 Neb. 57, 105 N.W. 716 (1905) (Statute offering compensation or a bounty to private companies to encourage the manufacture of sugar and chicory violated this constitutional prohibition); State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957) (City's issuance of revenue bonds in its name and use of those bonds for a private project unconstitutionally loaned its credit for the benefit of a private party). On the other hand, the Court has found no constitutional violation when the legislation in question did not put the state or one of its political subdivisions in the position of a debtor or guarantor. Statutes creating an ethanol tax credit program were found to be constitutional in Callan v. Balka, 248 Neb. 469, 536 N.W.2d 47 (1995). Although the motor fuel taxes collected were reduced because of the ethanol credits, the state remained a creditor of the taxpayer and was never obligated to pay any money or extend the credit of the state. And, in Japp v. Papio-Missouri River Natural Resources Dist., 273 Neb. 779, 733 N.W.2d 551 (2007), the Court found no constitutional violation when a natural resources district agreed to pay for the construction of two dams in a private commercial and residential development. The Court first noted that the projects fulfilled the statutory purpose of the District. Further, the Court found that the "state merely agreed to expend funds; it did not pledge its credit as an inducement to gain benefit or provide financial backing for the private developers." Id. at 789, 733 N.W.2d at 559 (emphasis in original).

CONCLUSION

Your request relates to legislation that would authorize city airport authorities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." Your specific concern is the language that would authorize minimum revenue guarantees by which the airport authority would agree to compensate a private contractor if actual revenue fell below a specified threshold. Based on the analysis above, it is our opinion that legislation authorizing a city airport authority to offer minimum revenue guarantees to a private contractor would violate art. XIII, § 3 as it would obligate the airport authority to lend the credit of the state and place the airport authority in the position of a guarantor.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell
   Clerk of the Nebraska Legislature

09-655-30
Your letter states that the proposed minimum revenue guarantees would be funded through property taxes levied pursuant to Neb. Rev. Stat. § 3-504.02. Our determination whether the offering of guarantees would violate art. XIII, § 3 might be different if the funding source for the guarantees was non-state funds. For example, in a prior opinion, we stated the expenditure of federal funds received by the state would generally not be restricted by art. XIII, § 3. Op. Att'y Gen. No. 95034 (April 26, 1995). However we also pointed out that, if the state was placed in the position of a surety or guarantor as a term or condition of receiving the federal funds, the receipt and expenditure of federal funds under those conditions would still violate this constitutional prohibition.

"Closely related to the prohibition against the giving or lending of the state's credit, although technically not part of the prohibition . . . is the principle of law that public funds cannot be expended for private purposes." *Haman* at 721-22, 467 N.W.2d at 851. We will not discuss whether the proposed bill you describe would entail the expenditure of public funds for private purposes as the Court has also stated that the prohibition of art. XIII, § 3 "against the pledge of the state's credit does not hinge on whether the legislation achieves a 'public purpose', when the pledge benefits a private individual, association, or corporation." *Id.* at 722, 467 N.W.2d at 852. As we conclude that the legislation would run afoul of art. XIII, § 3, it is unnecessary to engage in a discussion of public purpose.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR319 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR319.

**GENERAL FILE**

**LEGISLATIVE BILL 790.** Senator Slama renewed her amendment, AM2436, found on page 642 and considered on page 680.

The Slama amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 424.** Committee AM509, found on page 705 and considered on pages 1198, 1199, and 1451, First Session, 2019, was renewed.
Senator Hilgers withdrew his amendment, AM1401, found on page 1199 and considered on pages 1207 and 1451, First Session, 2019.

Senator Hilgers withdrew his amendments, AM1403, AM1404, AM1402, and AM1400, found on pages 1210, 1454, and 1455, First Session, 2019.

Senator Quick withdrew his amendment, AM1513, found on page 1427, First Session, 2019.

Senator Quick offered his amendment, AM2122, found on page 401, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 326. Introduced by Wishart, 27.

WHEREAS, Leonard Mozer was born in Lincoln, Nebraska, in January of 1931 to Max and Mary Mozer; and
WHEREAS, Leonard graduated from Lincoln High School and later from the University of Nebraska where he earned a bachelor's degree in Business Administration and was a member of the Sigma Alpha Mu Fraternity; and
WHEREAS, Leonard spent two years in the United States Army (1951-1953) and was stationed in Germany during the Korean War; and
WHEREAS, Leonard married Lincoln native Reva Gittelman in 1953 at the Lincoln Hotel; and
WHEREAS, in February of 1958, Leonard and Reva opened what was then called Leonard's House of Color in Lincoln, in a building owned by his father who ran a poultry business in the space from the 1920s through the 1940s; and
WHEREAS, Leonard originally sold paint and unfinished furniture and later expanded the business to include wallpaper and self-constructed dollhouses, eventually changing the name to Leonard's Unfinished Furniture; and
WHEREAS, during 62 years of operating a business in downtown Lincoln, Leonard earned a reputation as an honest, helpful, and respectful businessman; and
WHEREAS, Leonard is a long-time member of the Congregation Tifereth Israel, was a board member of the Mount Carmel Cemetery, and is a member of B'Nai B'rith and the Benevolent and Protective Order of Elks; and
WHEREAS, Leonard and Reva have a flourishing family of three proud children and four grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes Leonard Mozer for his lifetime of public service to the Lincoln community, including his distinguished 62-year career as the owner of Leonard's Unfinished Furniture.
2. That a copy of this resolution be sent to Leonard Mozer and his family.

Laid over.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 1159.** Placed on General File.

(Signed) Steve Halloran, Chairperson

Urban Affairs

**LEGISLATIVE BILL 1155.** Placed on General File with amendment.

AM2482

1. On page 3, line 29, strike "of" and insert "described in 26 U.S.C. 42(d)(5)(B), as such section existed on"
2. On page 4, strike lines 3 through 9 and insert the following new subdivisions:
   5. *(c)* Owner-occupied housing units that have an after-construction appraised value of at least one hundred fifty thousand dollars but not more than two hundred fifty thousand dollars. For purposes of this subdivision *(c) and subdivision *(d) of this subsection, housing unit after-construction appraised value shall be updated annually by the department based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
   6. *(d)* Owner-occupied housing units for which the cost to substantially rehabilitate such units exceeds fifty percent of a unit's before-construction assessed value, and the after-construction appraised value is at least one hundred fifty thousand dollars but not more than two hundred fifty thousand dollars;

(Signed) Justin Wayne, Chairperson

**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.

Beth Smith - Nebraska State Fair Board


(Signed) Steve Halloran, Chairperson
BILLS ON FIRST READING

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

LEGISLATIVE BILL 849A. 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 849, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 963A. Introduced by Brewer, 43; Hansen, M., 26; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, One Hundred Sixth Legislature, Second Session, 2020.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB238:

AMENDMENT

1. Strike the original sections and insert the following new sections:
2. Section 1. Section 83-970, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
3. 83-970 (1) Besides the Director of Correctional Services and those persons required to be present under the execution protocol, the following persons, and no others, except as provided in section 83-971, may be present at the execution:
4. (a) The member of the clergy in attendance upon the convicted person;
5. (b) no more than three persons selected by the convicted person;
6. (c) no more than three persons representing the victim or victims of the crime; and
7. (d) such other persons, not exceeding six in number, as the director may designate.
8. At least two persons designated by the director shall be professional members of the Nebraska news media.
9. (2) Except as provided in subsection (3) of this section, the Director of Correctional Services and those persons required to be present under the execution protocol:
10. (a) Shall continuously witness the execution process from the moment the convicted person enters the execution chamber until the convicted person is declared dead or the execution is halted; and
11. (b) Shall not authorize or permit any person to obstruct, limit, shield, or otherwise impede the witnessing or viewing of an execution by any person permitted or required to be present at such execution.
12. (3) The person or persons administering or conducting the execution under the execution protocol may, upon request, wear a mask or otherwise conceal their personal identity from the witnesses.
13. Sec. 2. Original section 83-970, Revised Statutes Cumulative Supplement, 2018, is repealed.

GENERAL FILE

LEGISLATIVE BILL 424. The Quick amendment, AM2122, found on page 401 and considered in this day's Journal, to the committee amendment,
was renewed.

The Quick amendment was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Senator Wayne offered his amendment, AM2568, found on page 701, to the committee amendment.

The Wayne amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Hilgers offered the following amendment to the committee amendment:

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB424:

FA102
Amend AM2122
Strike section 7(1)(k), and page 11, lines 12-14 and renumber sections accordingly and strike page 15, line 19 at ”, for income” through line 21.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB283.
Senator M. Hansen name added to LB627.
Senator Kolterman name added to LB1018.

VISITOR(S)

Visitors to the Chamber were Evan Schmeits and Shanna Murphy from Omaha; students from UNMC; a group from the Nebraska AFL-CIO and Nebraska Labor Unity Council from across the state; Chad, Emerson, and Hudson Waldow from Norfolk; and presidents, board members, and students from Southeast, Northeast, Central, Mid-Plains, and Western Nebraska Community Colleges.

The Doctor of the Day was Dr. Lynette Kramer from Albion.
ADJOURNMENT

At 11:49 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTIETH DAY - FEBRUARY 25, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 2020

PRAYER

The prayer was offered by Evangelist Watson Chipako, Forward in Faith, 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 Brewer, M. Hansen, McCollister, Morfeld, Pansing Brooks, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 758. Placed on General File.
LEGISLATIVE BILL 807. Placed on General File.

LEGISLATIVE BILL 781. Placed on General File with amendment.

AM2445
1 1. Strike original section 8 and insert the following new sections:
2 Sec. 8. Sections 1, 2, 3, 4, 5, 6, and 9 of this act become
3 operative three calendar months after the adjournment of this legislative
4 session. The other sections of this act become operative on their
5 effective date.
6 Sec. 9. Original sections 14-553, 15-317, and 23-1601, Reissue
7 Revised Statutes of Nebraska, sections 17-605 and 17-606, Revised
8 Statutes Cumulative Supplement, 2018, and section 16-318, Revised
9 Statutes Supplement, 2019, are repealed.
10 Sec. 10. Original section 84-304, Revised Statutes Supplement,
11 2019, is repealed.
12 Sec. 11. Since an emergency exists, this act takes effect when
13 passed and approved according to law.
14 2. On page 9, line 2, after "Revision" insert "for audit periods
15 ending before June 30, 2020, or 2018 Revision for audit periods ending on
16 or after June 30, 2020".
17 3. On page 13, line 25, strike "To" and insert "In consultation with
18 statewide associations representing (a) counties and (b) cities and
19 villages, to".

LEGISLATIVE BILL 848. Placed on General File with amendment.
AM2578
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The second Monday in October of each year shall be
4 Indigenous Peoples' Day and Columbus Day and shall be set apart to
5 recognize the historic, cultural, and contemporary significance of the
6 people indigenous to the lands that are now known as the Americas,
7 including Nebraska, and the many contributions of such people.
8 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 25-2221 Except as may be otherwise more specifically provided, the
11 period of time within which an act is to be done in any action or
12 proceeding shall be computed by excluding the day of the act, event, or
13 default after which the designated period of time begins to run. The last
14 day of the period so computed shall be included unless it is a Saturday,
15 a Sunday, or a day during which the offices of courts of record may be
16 legally closed as provided in this section, in which event the period
17 shall run until the end of the next day on which the office will be open.
18 All courts and their offices may be closed on Saturdays, Sundays,
19 days on which a specifically designated court is closed by order of the
20 Chief Justice of the Supreme Court, and these holidays: New Year's Day,
21 January 1; Birthday of Martin Luther King, Jr., the third Monday in
22 January; President's Day, the third Monday in February; Arbor Day, the
23 last Friday in April; Memorial Day, the last Monday in May; Independence
24 Day, July 4; Labor Day, the first Monday in September; Indigenous
25 Peoples' Day and Columbus Day, the second Monday in October; Veterans
26 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the
27 day after Thanksgiving; Christmas Day, December 25; and all days declared
1 by law or proclamation of the Governor to be holidays. Such days shall be
2 designated as nonjudicial days. If any such holiday falls on Sunday, the
3 following Monday shall be a holiday. If any such holiday falls on
4 Saturday, the preceding Friday shall be a holiday. Court services shall
5 be available on all other days. If the date designated by the state for
6 observance of any legal holiday pursuant to this section, except Veterans
7 Day, is different from the date of observance of such holiday pursuant to
8 a federal holiday schedule, the federal holiday schedule shall be
9 observed.
10 2. Section 62-301, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 62-301 (1) For the purposes of the Uniform Commercial Code and
13 section 62-301.01, the following days shall be holidays: New Year's Day,
14 January 1; Birthday of Martin Luther King, Jr., the third Monday in
15 January; President's Day, the third Monday in February; Arbor Day, the
16 last Friday in April; Memorial Day, the last Monday in May; Independence
17 Day, July 4; Labor Day, the first Monday in September; Indigenous
18 Peoples' Day and Columbus Day, the second Monday in October; Veterans
19 Day, November 11, and the federally recognized holiday therefor, or
20 either of them; Thanksgiving Day, the fourth Thursday in November; the
21 day after Thanksgiving; and Christmas Day, December 25. If any such
22 holiday falls on Sunday, the following Monday shall be a holiday. If the
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1. On page 2, lines 6, 8, and 9, strike "printed" and insert
2 "published"; and in line 12 strike "printer" and insert "newspaper".

LEGISLATIVE BILL 1068. Placed on General File with amendment.
AM2135
1. On page 9, line 3, strike "Secretary of", and after "State"
2 insert "Treasurer".

(Signed) Tom Brewer, Chairperson
Agriculture

LEGISLATIVE BILL 1152. Placed on General File with amendment.
AM2581
1. Strike original sections 1 and 14.
2. On page 3, lines 16 and 17, strike the new matter and reinstate
3 the stricken matter; and in line 17 after "products" insert "or hemp
4 seeds".
5. On page 6, line 26, strike "and"; after line 26 insert the
6 following new subdivision:
7 "(j) Recordkeeping requirements and procedures; and"; and in line 27
8 strike "(k)" and insert "(l)".

THIRTIETH DAY - FEBRUARY 25, 2020
9. On page 9, line 11, strike "other than hemp seeds".
10. On page 11, line 17, after "(1)" insert "The department shall receive and process all completed license applications and issue licenses to all qualified applicants."
11. On page 13, line 3, strike "Testing of samples", show as stricken, and insert "Reimbursement of the department for expenses relating to sampling and testing".
12. On page 16, line 18, strike "Hemp from", show as stricken, and insert "At the licensee's expense, hemp from each lot grown at"; in line 19 strike "within fifteen days"; in line 22 strike "at the licensee's expense", show as stricken, and insert ". After such lot sample is taken, the lot represented by the sample shall be harvested within fifteen days"; and in lines 22 and 23 strike the new matter.
13. On page 17, line 16, after "the" insert "federal".
14. On page 18, lines 6 and 13, strike each occurrence of "Any", show as stricken, and insert "Except as provided in subsection (4) of this section, any"; strike beginning with the comma in line 8 through the comma in line 11; and strike lines 17 through 23 and insert the following new subsections:

"(3)(a) A licensee shall maintain a record of shipments of hemp shipped from or received by the licensee. Such record shall, for each shipment of hemp, indicate the date of shipment, identify the point of origin and destination, identify the name of the person sending and receiving the shipment, and include the vehicle identification number of the vehicle transporting the hemp. Each shipment of hemp shall be entered on the record of shipments kept by the licensee by the close of the business day the shipment is shipped from or received by the licensee.

(b) A licensee may give notice to the Nebraska State Patrol up to ten days prior to a shipment of hemp to be shipped from or received by the licensee. Such notification shall be given in a manner and form prescribed by the Nebraska State Patrol and shall not be considered a public record for purposes of sections 84-712 to 84-712.09.

(d) Any licensee transporting hemp cultivated or processed under the Nebraska Hemp Farming Act shall not be required to carry a copy of the test results relating to such hemp as provided in subsection (1) or (2) of this section if such licensee carries with the hemp being transported a copy of the applicable license and is transporting:

(i) Hemp between two registered sites listed on the licensee's license application;

(ii) Samples of hemp for testing to determine the THC level for private testing purposes prior to testing pursuant to section 2-514; or

(iii) Live hemp plants to a registered site listed on the licensee's license application prior to cultivating such hemp plants.

(iv) Developing Nebraska heirloom hemp varieties that possess characteristics of a unique and specialized cannabis sativa L. seed variety that exist as uncultivated, naturalized plants in the environment or historically have been commercially cultivated in Nebraska.

15. On page 23, line 30, after "hemp" insert "and preserving and developing Nebraska heirloom hemp varieties that possess characteristics of a unique and specialized cannabis sativa L. seed variety that exist as uncultivated, naturalized plants in the environment or historically have been commercially cultivated in Nebraska".

16. On page 25, line 4, show as stricken, and insert "under".

17. On page 31, line 1, after "thereunder" insert ", a tribal hemp production plan approved by the United States Secretary of Agriculture, or the United States Department of Agriculture Domestic Hemp Production Plan"

18. Renumber the remaining sections and correct internal references accordingly.

(Signed) Steve Halloran, Chairperson
AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB147:

AM2247

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 3 through 5 of this 6 act shall be known and may be cited as the Student Discipline Act.
7. Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, 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 intervention, counseling of students, parent conferences, 15 referral to restorative justice practices or services, rearrangement of 16 schedules, requirements that a student remain in school after regular 17 hours to do additional work, restriction of extracurricular activity, or 18 requirements that a student receive counseling, psychological evaluation, 19 or psychiatric evaluation upon the written consent of a parent or 20 guardian to such counseling or evaluation.
21 Sec. 3. (1) Unless prohibited by the federal Individuals with
22 Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed
23 pursuant to section 304 of the Rehabilitation Act of 1973, 29 U.S.C. 794,
24 as such acts existed on January 1, 2020, after every reasonable effort
25 has been made to de-escalate a potentially harmful situation, teachers
26 and other school personnel may use reasonable physical intervention to
27 safely manage the behavior of a student to:
1. (a) Protect such student, another student, a teacher or other school
2. personnel, or another person from physical injury; or
3. (b) Secure property in the possession of such student if the
4. possession of such property by such student poses a threat of physical
5. injury to such student, another student, a teacher or other school
6. personnel, or another person.
7. (2) Any physical intervention used by a teacher or other school
8. personnel pursuant to this section shall not be used for the purpose of
9. inflicting bodily pain as a penalty for disapproved behavior.
10. (3) Following the use of physical intervention pursuant to this
11. section, a teacher or other school personnel shall ensure that the parent
12. or guardian of the student is contacted and notified of such physical
13. intervention. The school district shall submit a written report to the
14. State Department of Education describing the incident, the events leading
15. up to the incident, steps that were taken to de-escalate the situation,
16. and how the incident was resolved.
17. (4) No teacher or other school personnel shall be subject to
18. professional or administrative discipline for the use of physical
19. intervention pursuant to subsection (1) of this section if such physical
20. intervention was reasonable. Nothing in this section shall be construed
21. to limit any defense that may be available under any provision of law,
22. including, but not limited to, any defense relating to self-protection or
23. the protection of others.
24. Sec. 4. (1) Each school district shall have a policy that describes
25. the process of removing a student from a class and returning a student to
26. a class. Such policy shall: (a) Describe how and when a student may be
27. removed from a class and returned to a class; (b) use a discipline
28. process that is proactive, instructive, and restorative; (c) require
appropriate communication between administrators, teachers or other school personnel, students, and parents or guardians. Such policy shall be made available to the public.

2. (2) Unless prohibited by the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such acts existed on January 1, 2020, an administrator or administrator's designee shall immediately remove a student from a class upon request by a teacher or other school personnel if such teacher or other school personnel has followed school policy in requesting the removal of such student.

3. (3) When a student is removed from a class, the goal must be to return the student to the class as soon as possible after appropriate instructional or behavioral interventions or supports have been implemented to increase the likelihood the student will be successful.

4. For a student with a pattern of disruptive behavior, the school shall provide additional interventions or supports.

5. (4) No teacher or other school personnel shall be subject to professional or administrative discipline for the removal of a student from a class pursuant to this section if such teacher or other school personnel acted in a reasonable manner and in accordance with school policy.

6. Sec. 5. The State Board of Education may adopt and promulgate rules and regulations to carry out sections 3 and 4 of this act.

7. Sec. 6. Original section 79‑254, Reissue Revised Statutes of Nebraska, and section 79‑258, Revised Statutes Supplement, 2019, are repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 320, 321, 322, and 323 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320, 321, 322, and 323.

GENERAL FILE

LEGISLATIVE BILL 424. Senator Hilgers renewed his amendment, FA101, found on page 716, to the committee amendment.

Senator Hilgers moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Senator Hilgers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Albrecht  Clements  Groene  Hughes  Moser
Arch     Erdman  Halloran  La Grone  Murman
Bostelman  Friesen  Hansen, B.  Linehan  Scheer
Briese    Geist  Hilgers  Lowe
Voting in the negative, 24:

Blood  DeBoer  Howard  McDonnell  Vargas
Bolz     Dorn   Hunt    Morfeld  Walz
Cavanaugh Gagrant Kolowski Pansing Brooks Wayne
Chambers Hansen, M. Lathrop Quick Brooks Wayne
Crawford Hilkemann McCollister Stinner

Present and not voting, 3:

Brandt Kolterman Lindstrom

Excused and not voting, 3:

Brewer  Slama  Wishart

The Hilgers amendment lost with 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hilgers offered his amendment, FA102, found on page 716, to the committee amendment.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Thursday, March 5, 2020 1:00 p.m.
Dennis D. Grams - Environmental Quality Council
Dallen R. Juelfs - Oil and Gas Conservation Commission
Felix B. Davidson - Nebraska Environmental Trust Board

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 769. Placed on General File.

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 931. Placed on General File with amendment.

AM2128
\[1\] On page 8, line 3, after "stockpile" insert "or farm storage".

(Signed) Curt Friesen, Chairperson
AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB518: AM2588

(Amendments to Final Reading copy)
1 1. On page 2, line 18, strike "and"; in line 21 strike the period
2 and insert "; and" and after line 21 insert the following new
3 subdivision:
4 "(g) Given the subject matter and intent of this legislative bill,
5 it shall be considered within the context of the sordid history of
6 America relative to human trafficking and sexual exploitation visited
7 upon enslaved persons by slaveholders. Therefore it is appropriate to
8 recognize and acknowledge some of the more renowned members of the "All
9 American Pantheon and Register of Human Traffickers", which is hereby
10 created. Charter members shall include (i) President George Washington,
11 (ii) President Thomas Jefferson ["all men are created equal..."] (iii)
12 President James Madison, (iv) President Andrew Jackson, (v) President
13 James Monroe, (vi) Alexander Hamilton, (vii) Patrick Henry ["give me
14 liberty or give me death"], (viii) Francis Scott Key ["the land of the
15 free and the home of the brave..."] (ix) John Hancock [slave smuggler],
16 and (x) Chief Justice of the United States Supreme Court Roger Brooke
17 Taney ["Black men have no rights that a white man is bound to respect..."];
18 Such register shall be kept, maintained, and prominently displayed in a
19 location determined by the Governor and accessible for public viewing.
20 Additional names accompanied by factual documentation supporting
21 placement on such register may be submitted by any person to the Governor
22 for consideration for such placement. Following a public hearing in
23 accordance with the Open Meetings Act, at a location determined by the
24 Governor at which public comments shall be taken, a determination shall
25 be made whether or not a suggested name, or names, shall be included in
26 such register. The Governor, the Attorney General, and the Secretary of
27 State, serving as a committee of three, shall make such determination by
28 majority vote. Rejection of placement of a name shall not be a bar to
29 resubmission of such name if it is accompanied by additional supportive
30 facts.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 858. Placed on Select File with amendment.
ER176
1 1. In the standing committee amendments, AM2346, on page 22, line
2 30, strike "77-2007" and insert "72-2007".
3 2. On page 1, strike beginning with "the" in line 1 through line 10
4 and insert "natural resources; to amend sections 18-2409, 18-2410,
5 18-2413, 18-2414, 18-2420, 18-2427, 18-2435, 18-2436, 18-2439, 18-2445,
6 18-2446, 18-2451, 18-2461, 66-1519, 66-1523, 66-1525, 72-2007, and
7 81-1566, Reissue Revised Statutes of Nebraska, section 81-1558, Revised
8 Statutes Cumulative Supplement, 2018, and section 66-1529.02, Revised
9 Statutes Supplement, 2019; to redefine terms and change provisions of the
10 Municipal Cooperative Financing Act relating to directors,
11 municipalities, bonds, audits, and agency restrictions; to extend use of
12 the Petroleum Release Remedial Action Cash Fund; to eliminate legislative
13 confirmation for certain Niobrara Council members; to eliminate
14 provisions relating to fund transfers and extend a termination date under
15 the Nebraska Litter Reduction and Recycling Act; to harmonize provisions;
16 to provide operative dates; to repeal the original sections; and to
17 declare an emergency."

(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 appointment(s) be confirmed by the Legislature and suggests a record vote.

Janelle Beveridge - State Racing Commission


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 S. Brummer - State Electrical Board
David Hunter - State Electrical Board


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.

Kelly J. Lambert - Nebraska Commission on Problem Gambling


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.

Mark Laughlin - Nebraska Arts Council


(Signed) Tom Briese, Chairperson

GENERAL FILE

LEGISLATIVE BILL 962. Title read. Considered.

Senator M. Hansen withdrew his amendment, AM2541, found on page 681.
Senator M. Hansen offered his amendment, **AM2580**, found on page 701.

Senator La Grone offered the following amendment to the M. Hansen amendment:

**AM2605** *(Amendments to AM2580)*

1. On page 2, line 31, strike "a need-based scholarship" and insert "need-based financial aid".
2. On page 5, line 6, after "Act" insert "except that a civil action for a violation of the Nebraska Fair Pay to Play Act may only be brought within one year after the cause of action has accrued".

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

The La Grone amendment, to the M. Hansen amendment, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

The M. Hansen amendment, as amended, was adopted with 26 ayes, 2 nays, and 21 present and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Beasley, Stephanie - Director - Division of Children and Family Services - Department of Health and Human Services - Health and Human Services

*(Signed) Mike Hilgers, Chairperson Executive Board*

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1042A.** 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 1042, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.
LEGISLATIVE BILL 1056A. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1056, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 803A. 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 803, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

ANNOUNCEMENT(S)

Speaker priority bill/resolution designations are as follows:
LBs 247, 705, 751, 760, 781, 797, 803, 832, 835, 850, 865, 889, 910, 911, 918, 923, 965, 966, 1028, 1080, 1107, 1124, 1130, 1166, and 1185.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 327. Introduced by Kolterman, 24.

WHEREAS, Justin Mitchell Slawnyk, a member of Troop 180 of Utica, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a 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 his Eagle Scout service project, Justin constructed and installed three large metal crosses at St. Patrick's Catholic Cemetery near Utica; and

WHEREAS, Justin, through 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, SECOND SESSION:
1. That the Legislature congratulates Justin Mitchell Slawnyk on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Justin Mitchell Slawnyk.

Laid over.
LEGISLATIVE BILL 1061. Placed on Select File with amendment.

ER175
1 1. On page 1, strike beginning with "the" in line 1 through line 13
2 and insert "children; to amend sections 28-710.01, 43-4331, and 71-3405,
3 Reissue Revised Statutes of Nebraska, sections 28-712 and 28-712.01,
4 Revised Statutes Cumulative Supplement, 2018, and sections 28-710,
5 28-713, and 43-4203, Revised Statutes Supplement, 2019; to change the
6 Child Protection and Family Safety Act; to eliminate a committee of the
7 Nebraska Children's Commission; to harmonize provisions; and to repeal
8 the original sections.”.
9 2. On page 11, line 23, strike "an intake", show as stricken, and
10 insert "a report".
11 3. On page 16, line 3, strike "to" and insert "for".

LEGISLATIVE BILL 1014. Placed on Select File.

(Signed) Julie Slama, Chairperson

LEGISLATIVE BILL 770. Placed on Final Reading.

ST45
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 2, "as amended by section 10, Legislative Bill 287, One Hundred Sixth
   Legislature, Second Session, 2020" has been inserted after "Nebraska".

LEGISLATIVE BILL 924. Placed on Final Reading.

LEGISLATIVE BILL 1054. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LB997.
Senator Wayne name added to LB1155.
Senator Lindstrom name added to LB1155.
Senator Albrecht name added to LB1186.

VISITOR(S)

Visitors to the Chamber were a group from the Young Bankers of Nebraska
from across the state.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.
ADJOURNMENT

At 11:52 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIRST DAY - FEBRUARY 26, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 2020

PRAYER

The prayer was offered by Pastor Andrew Anderson, Country Bible Church, 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 Senator M. Hansen who was excused; and Senators Briese, DeBoer, Groene, Linehan, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 1001. Placed on General File.

LEGISLATIVE BILL 1186. Placed on General File with amendment.

AM2554
1 1. On page 2, strike lines 23 through 26.

LEGISLATIVE BILL 563. Placed on General File with amendment.

AM2526
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 Access College Early Tech Promise Program Act.
5 Sec. 2. For purposes of the Access College Early Tech Promise 6 Program Act:
7 (1) Academic year means a twelve-month period of instruction as
8 determined by the eligible institution;
9 (2) Access college early scholarship means a scholarship granted
10 pursuant to the Access College Early Scholarship Program Act;
11 (3) Award means a grant of money by the commission to an eligible
12 student to be used for educational expenses;
13 (4) Career program of study has the same meaning as in section
14 85-2102;
15 (5) Commission means the Coordinating Commission for Postsecondary
16 Education;
17 (6) Committee means the Nebraska Community College Student
18 Performance and Occupational Education Grant Committee;
19 (7) Educational expenses means tuition, fees, room, board, books,
20 supplies, and other educational expenses as determined by the eligible
21 institution;
22 (8) Eligible institution means any Nebraska community college, any
23 not-for-profit, two-year college in Nebraska which is a member
24 institution of an accrediting body recognized by the United States
25 Department of Education, or the Nebraska College of Technical Agriculture
26 at Curtis;
27 (9) Eligible occupation means an in-demand occupation designated as
28 an eligible occupation pursuant to section 4 of this act;
29 (10) Eligible program means a program of study that:
30 (a) is offered by an eligible institution;
31 (b) is designed to be completed in two academic years or less;
32 (c) Offers a certificate, diploma, or associate degree that directly
33 qualifies the recipient for employment in an eligible occupation; and
34 (d) is approved to be an eligible program pursuant to section 4 of
35 this act;
36 (11) Eligible student means a full-time student who:
37 (a) is enrolled in an eligible program at an eligible institution;
38 (b) Received postsecondary education credit while in high school for
39 at least two courses in a single career program of study related to an
40 in-demand occupation;
41 (c)(i) Received an access college early scholarship while in high
42 school, or
43 (ii) Qualified to receive an access college early scholarship while
44 in high school, but the scholarship was not granted due to insufficient
45 funds;
46 (d) Has applied for federal financial aid through the Free
47 Application for Federal Student Aid for the applicable academic year;
48 (e) Has not previously earned an associate degree; and
49 (2) For a student who is applying for an award for a second academic
50 year, has successfully completed the first academic year at an eligible
51 institution and maintained the minimum standards of performance as
52 required by such eligible institution;
53 (12) Full-time student means a student who is enrolled in a minimum
54 of twelve credit hours per semester or nine credit hours per quarter; and
55 (13) In-demand occupation has the same meaning as in section
56 85-2002.
57 Sec. 3. The Access College Early Tech Promise Program is
58 established. Except for duties assigned to the committee as provided in
59 section 4 of this act, the program shall be administered by the
60 commission.
61 Sec. 4. (1) The committee shall establish
62 criteria to determine what constitutes an in-demand occupation that is a
63 high priority for the state for purposes of the Access College Early Tech
64 Promise Program. After establishing such criteria, the committee shall
65 designate each in-demand occupation that meets the criteria as an
66 eligible occupation for such biennium.
67 (2) Each program applicant shall complete an application form
developed and provided by the commission and shall submit the form for
the bimonthly for which eligibility is sought to the commission. The
application shall include, but not be limited to, the name of the
college, program, or associate degree a student may earn from such
program, the eligible occupation for which a graduate of the program
would be qualified, and any other information necessary to determine
eligibility. The commission shall transmit the applications to the
commissioner, and the commissioner shall review each application and either
approve or deny the application. If an application is approved, the
program of study shall be designated as an eligible program for the
bimonthly.

22 (3) An eligible student who is granted an award for his or her first
academic year in an eligible program shall be eligible for an award to
complete his or her second academic year of such program notwithstanding
a decision of the committee to remove the eligible program designation
for entering eligible students.

27 Sec. 5. (1) Each student applicant for the Access College Early
Tech Promise Program shall complete an application form developed and
provision by the commission and shall submit the form for the
academic year for which an award is sought to the financial aid office or other
official designated by the eligible institution. Such application shall
include, but not be limited to, the applicant’s name, social security
number, and date of birth and any other information necessary to
determine eligibility. The financial aid office or other official
designated by an eligible institution shall make recommendations
regarding the eligibility of each applicant making application to such
eligible institution and shall forward each application and
recommendation to the commission for review.

28 (2) The commission shall review each application and verify or deny
the eligibility of each applicant under the Access College Early Tech
Promise Program Act. The commission shall notify the applicant and the
financial aid office or other official designated by an eligible
institution of the verification or denial of eligibility and the award
amount, if any, for such academic year in writing within thirty days
following receipt of the application and recommendation from a financial
aid office or other designated official of an eligible institution.

29 (3) An award for an academic year shall not exceed the sum of
tuition and fees plus one thousand five hundred dollars for educational
expenses minus any Federal Pell Grant granted to the eligible student for
such academic year. No award for an academic year shall be less than one
 thousand five hundred dollars. No eligible student shall be granted
awards for more than two academic years pursuant to this section. The
commission shall forward such amount directly to the eligible institution
as payment of the tuition and mandatory fees remaining after any Federal
Pell Grant for such eligible student and for distribution to such
eligible student for educational expenses. Except as otherwise provided
in this subsection, the commission may distribute awards pro rata on a
term-by-term basis.

28 Sec. 6. Within twenty days following notice of an adverse decision,
an affected student may submit a request in writing to the executive
director of the commission for a review of such adverse decision. The
commission shall conduct any such review pursuant to the Administrative
Procedure Act.

29 Sec. 7. The commission shall prepare an annual report on awards
granted pursuant to the Access College Early Tech Promise Program Act and
shall submit the report electronically to the Clerk of the Legislature.
The report shall include, but not be limited to, the number and amount of
awards, successful completion by award recipients, and workforce outcomes
aggregated by eligible institution and by eligible program. Each eligible
8 institution shall cooperate with the commission and the Department of  
9 Labor to report workforce outcomes one year, three years, and five years  
10 after award recipients complete their eligible programs.  
11 Sec. 8. The commission may adopt and promulgate rules and  
12 regulations to carry out the Access College Early Tech Promise Program  
13 Act.  
14 Sec. 9. Section 85-1412, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:  
16 85-1412 The commission shall have the following additional powers  
17 and duties:  
18 (1) Conduct surveys and studies as may be necessary to undertake the  
19 coordination function of the commission pursuant to section 85-1403 and  
20 request information from governing boards and appropriate administrators  
21 of public institutions and other governmental agencies for research  
22 projects. All public institutions and governmental agencies receiving  
23 state funds shall comply with reasonable requests for information under  
24 this subdivision. Public institutions may comply with such requests  
25 pursuant to section 85-1417;  
26 (2) Recommend to the Legislature and the Governor legislation it  
27 deems necessary or appropriate to improve postsecondary education in  
28 Nebraska and any other legislation it deems appropriate to change the  
29 role and mission provisions in sections 85-917 to 85-966.01. The  
30 recommendations submitted to the Legislature shall be submitted  
31 electronically;  
1 (3) Establish any advisory committees as may be necessary to  
2 undertake the coordination function of the commission pursuant to section  
3 85-1403 or to solicit input from affected parties such as students,  
4 faculty, governing boards, administrators of the public institutions,  
5 administrators of the private nonprofit institutions of postsecondary  
6 education and proprietary institutions in the state, and community and  
7 business leaders regarding the coordination function of the commission;  
8 (4) Participate in or designate an employee or employees to  
9 participate in any committee which may be created to prepare a  
10 coordinated plan for the delivery of educational programs and services in  
11 Nebraska through the telecommunications system;  
12 (5) Seek a close liaison with the State Board of Education and the  
13 State Department of Education in recognition of the need for close  
14 coordination of activities between elementary and secondary education and  
15 postsecondary education;  
16 (6) Administer the Integrated Postsecondary Education Data System or  
17 other information system or systems to provide the commission with  
18 timely, comprehensive, and meaningful information pertinent to the  
19 exercise of its duties. The information system shall be designed to  
20 provide comparable data on each public institution. The commission shall  
21 also administer the uniform information system prescribed in sections  
22 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public  
23 institutions shall supply the appropriate data for the information system  
24 or systems required by the commission;  
25 (7) Administer (a) the Access College Early Scholarship Program Act,  
26 (b) the Community College Aid Act, (c) the Nebraska Community College  
27 Student Performance and Occupational Education Grant Fund under the  
28 direction of the Nebraska Community College Student Performance and  
29 Occupational Education Grant Committee, (d) the Nebraska Opportunity  
30 Grant Act, (e) the Postsecondary Institution Act, and (f) the community  
31 college gap assistance program and the Community College Gap Assistance  
1 Program Fund, and (g) the Access College Early Tech Promise Program Act;  
2 (8) Accept and administer loans, grants, and programs from the  
3 federal or state government and from other sources, public and private,  
4 for carrying out any of its functions, including the administration of  
5 privately endowed scholarship programs. Such loans and grants shall not
6 be expended for any other purposes than those for which the loans and
7 grants were provided. The commission shall determine eligibility for such
8 loans, grants, and programs, and such loans and grants shall not be
9 expended unless approved by the Governor;
10 (9) On or before December 1 of each even-numbered year, submit to
11 the Legislature and the Governor a report of its objectives and
12 activities and any new private colleges in Nebraska and the
13 implementation of any recommendations of the commission for the preceding
14 two calendar years. The report submitted to the Legislature shall be
15 submitted electronically;
16 (10) Provide staff support for interstate compacts on postsecondary
17 education; and
18 (11) Request inclusion of the commission in any existing grant
19 review process and information system.
20 Sec. 10. Section 85-1539, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 85-1539 (1) There is hereby created the Nebraska Community College
23 Student Performance and Occupational Education Grant Committee. The
24 committee shall consist of (a) a representative of the Coordinating
25 Commission for Postsecondary Education who shall serve as chairperson of
26 the committee, (b) a representative of the Department of Economic
27 Development, (c) a representative of the Department of Labor, (d) a
28 representative of the State Department of Education, (e) a representative
29 affiliated with one of the two community college areas with the two
30 smallest full-time equivalent student enrollment totals for the most
31 recent fiscal year, (f) a representative affiliated with one of the two
1 community college areas with the two largest full-time equivalent student
2 enrollment totals for the most recent fiscal year, and (g) a
3 representative affiliated with one of the two community college areas not
4 included in the categories provided in subdivisions (1)(e) and (f) of
5 this section. Each member shall be appointed by the agency or community
6 college areas being represented. The representatives appointed pursuant
7 to subdivisions (1)(e) through (g) of this section shall serve terms of
8 two years and shall be succeeded by a representative affiliated with the
9 community college areas not represented for the preceding term.
10 (2) The committee shall develop guidelines for and annually
11 determine the allocation of aid or grants to the community colleges for
12 (a) applied technology and occupational faculty training, instructional
13 equipment upgrades, employee assessment, preemployment training,
14 employment training, and displaced worker programs benefiting the State
15 of Nebraska or (b) programs or activities to enhance (i) student
16 performance in the areas of degree, certificate, or diploma completion,
17 retention, or foundations education as defined in section 85-932.01 or
18 (ii) the collection, reporting, analysis, and utilization of student
19 data. The total amount allocated for a fiscal year shall not exceed the
20 amounts appropriated from the Nebraska Community College Student
21 Performance and Occupational Education Grant Fund and such other funds as
22 may be appropriated by the Legislature for purposes of this section for
23 such fiscal year. The commission shall certify the allocation determined
24 by the committee on or before September 10 of the fiscal year for which
25 such allocation is being certified and shall report such allocation to
26 the Department of Administrative Services. The commission shall
27 distribute the allocated funds to the selected community college board or
28 boards in a single payment between the fifth and twentieth day of October
29 of each year.
30 (3) Applications for aid or grants pursuant to subsection (2) of
31 this section may be submitted by a community college area independently
1 or in collaboration with other community college areas.
2 (4) The committee shall review programs submitted pursuant to the
3 Access College Early Tech Promise Program Act and approve or deny each
Program for eligibility on a biennial basis.

5 Sec. 11. Section 85-2104, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:
7 85-2104 Applications for the Access College Early Scholarship
8 Program shall be prioritized for students qualifying pursuant to
9 subdivision (1) or (2) of this section, and applications for students
10 qualifying only pursuant to subdivision (3) of this section shall only be
11 considered if funds are available after fulfilling the applications for
12 students qualifying pursuant to subdivision (1) or (2) of this section.
13 Priority dates shall be determined by the commission on a term basis. A
14 student who is applying to take one or more courses for credit from a
15 qualified postsecondary educational institution is eligible for the
16 Access College Early Scholarship Program if:
17 (1) Such student or the student's parent or legal guardian is
18 eligible to receive:
19 (a) Supplemental Security Income;
20 (b) Supplemental Nutrition Assistance Program benefits;
21 (c) Free or reduced-price lunches under United States Department of
22 Agriculture child nutrition programs;
23 (d) Aid to families with dependent children; or
24 (e) Assistance under the Special Supplemental Nutrition Program for
25 Women, Infants, and Children;
26 (2) The student or the student's parent or legal guardian has
27 experienced an extreme hardship; or
28 (3) Such student is requesting assistance pursuant to the program to
29 cover the cost of tuition and fees for a course that is part of a career
30 program plan of study, up to two hundred fifty dollars per term, and the
31 student's family has an annual household income at or below two hundred
1 percent of the federal poverty level.

2 Sec. 12. Original section 85-1539, Reissue Revised Statutes of
3 Nebraska, and sections 85-1412 and 85-2104, Revised Statutes Cumulative
4 Supplement, 2018, are repealed.

**LEGISLATIVE RESOLUTION 306.** Reported to the Legislature for further consideration.

(Signed) Mike Groene, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 889.** Placed on General File.
**LEGISLATIVE BILL 918.** Placed on General File.
**LEGISLATIVE BILL 1086.** Placed on General File.
**LEGISLATIVE BILL 1119.** Placed on General File.
**LEGISLATIVE BILL 1120.** Placed on General File.
**LEGISLATIVE BILL 1136.** Placed on General File.

**LEGISLATIVE BILL 1055.** Placed on General File with amendment. AM2573 is available in the Bill Room.

(Signed) Tom Brewer, Chairperson
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.

Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment


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.

Cindy Gray - Technical Advisory Committee for Statewide Assessment


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.

Timothy Daniels - Coordinating Commission for Postsecondary 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.

Charles Garman - Coordinating Commission for Postsecondary Education


(Signed) Mike Groene, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR324 was adopted.
While the Legislature was in session and capable of transacting business, the President signed the following: LR324.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 790. Placed on Select File with amendment.

ER178

11. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 13-2904 (1) Notwithstanding the procedures for public lettings in
6 sections 73-101 to 73-106 or any other statute relating to the letting of
7 bids by a political subdivision, a political subdivision which follows
8 the Political Subdivisions Construction Alternatives Act may solicit and
9 execute a design-build contract or a construction management at risk
10 contract.
11 (2) The governing body of the political subdivision shall adopt a
12 resolution selecting the design-build contract or construction management
13 at risk contract delivery system provided under the act prior to
14 proceeding with the provisions of sections 13-2905 to 13-2914. The
15 resolution shall require the affirmative vote of at least two-thirds of
16 the governing body of the political subdivision. The resolution shall
17 include a statement that the political subdivision has made a
18 determination that the design-build contract or construction management
19 at risk contract delivery system is in the public interest based, at a
20 minimum, on one of the following criteria: (a) Savings in cost or time;
21 or (b) requirement of specialized or complex construction methods
22 suitable for the design-build contract or construction management at risk
23 contract delivery system.
24 Sec. 2. Section 13-2914, Revised Statutes Supplement, 2019, is
25 amended to read:
26 13-2914 (1) A political subdivision shall not use a design-build
27 contract or construction management at risk contract under the Political
28 Subdivisions Construction Alternatives Act for a project, in whole or in
29 part, for road, street, or highway, water, wastewater, utility, or sewer
30 construction,
31 4. (2) A city that a city of the metropolitan class may use a design-
32 build contract or construction management at risk contract under the
33 Political Subdivisions Construction Alternatives Act for the purpose of
34 complying with state or federal requirements to control or minimize
35 overflows from combined sewers.
36 (3) A political subdivision may use a design-build contract or
37 construction management at risk contract under the Political Subdivisions
38 Alternatives Act for a project, in whole or in part, for
39 water, wastewater, utility, or sewer construction.
40 Sec. 3. Section 73-507, Reissue Revised Statutes of Nebraska, is
41 amended to read:
42 73-507 (1) Subject to review by the Director of Administrative
43 Services, the division shall provide procedures to grant limited
44 exceptions from sections 73-504, 73-508, and 73-509 for:
45 (a) Sole source contracts, emergency contracts, and contracts for
46 services when the price has been established by the federal General
47 Services Administration or competitively bid by another state or group of
48 states, a group of states and any political subdivision of any other
22 state, a political subdivision of another state, or a cooperative
23 purchasing organization on behalf of a group of states or political
24 subdivisions; and
25 (b) Other circumstances or specific contracts when any of the
26 requirements of sections 73-504, 73-508, and 73-509 are not appropriate
27 for or are not compatible with the circumstances or contract. The
28 division shall provide a written rationale which shall be kept on file
29 when granting an exception under this subdivision.
30 (2) The following types of contracts for services are not subject to
31 sections 73-504, 73-508, 73-509, and 73-510:
1 (a) Contracts for services subject to the Nebraska Consultants'
2 Competitive Negotiation Act;
3 (b) Contracts for services subject to federal law, regulation, or
4 policy or state statute, under which a state agency is required to use a
5 different selection process or to contract with an identified contractor
6 or type of contractor;
7 (c) Contracts for professional legal services and services of expert
8 witnesses, hearing officers, or administrative law judges retained by
9 state agencies for administrative or court proceedings;
10 (d) Contracts involving state or federal financial assistance passed
11 through by a state agency to a political subdivision;
12 (e) Contracts with a value of fifteen million dollars or less with
13 direct providers of medical, behavioral, or developmental health
14 services, child care, or child welfare services to an individual;
15 (f) Agreements for services to be performed for a state agency by
16 another state or local government agency or contracts made by a state
17 agency with a local government agency for the direct provision of
18 services to the public;
19 (g) Agreements for services between a state agency and the
20 University of Nebraska, the Nebraska state colleges, the courts, the
21 Legislature, or other officers or state agencies established by the
22 Constitution of Nebraska;
23 (h) Department of Insurance contracts for financial or actuarial
24 examination, for rehabilitation, conservation, reorganization, or
25 liquidation of licensees, and for professional services related to
26 residual pools or excess funds under the agency's control;
27 (i) Department of Transportation contracts for all road and bridge
28 projects;
29 (j) Nebraska Investment Council contracts; and
30 (k) Contracts under section 57-1503.
31 Sec. 4. Section 81-153, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 81-153 The materiel division shall have the power and duty to:
3 (1) Purchase or contract for, in the name of the state, the personal
4 property required by the using agencies and the state;
5 (2) Promulgate, apply, and enforce standard specifications
6 established as provided in section 81-154;
7 (3) Sell and dispose of personal property that is not needed by the
8 state or its using agencies as provided in section 81-161.04 or initiate
9 trade-ins when determined to be in the best interest of the state;
10 (4) Determine the utility, quality, fitness, and suitability of all
11 personal property tendered or furnished;
12 (5) Make rules and regulations consistent with sections 81-145 to
13 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions
14 thereof. Such rules and regulations shall include provisions for
15 modifying and terminating purchase contracts and the cost principles to
16 be used in such modification or termination;
17 (6) Employ such clerical, technical, and other assistants as may be
18 necessary to properly administer such sections, fix their compensation,
19 and prescribe their duties in connection therewith, subject to existing
20 laws and appropriations;
21  (7) Allow the purchase of personal property without competitive
22 bidding when the price has been established by the federal General
23 Services Administration or to allow the purchase of personal property by
24 participation in a contract competitively bid by another state or group
25 of states, a group of states and any political subdivision of any other
26 state, a political subdivision of another state, or a cooperative
27 purchasing organization on behalf of a group of states or political
28 subdivisions. The division may also give consideration to a sheltered
29 workshop pursuant to section 48-1503 in making such purchases;
30 (8) Enter into any personal property lease agreement when it appears
31 to be in the best interest of the state; and
1  (9) Negotiate purchases and contracts when conditions exist to
2 defeat the purpose and principles of public competitive bidding.
3 Sec. 5. Section 81-1118.06, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 81-1118.06 (1) The purposes of the state purchasing bureau created
6 by section 81-1118 are:
7 (a) To increase public confidence in the procedures followed in
8 public procurement;
9 (b) To insure the fair and equitable treatment of all persons
10 who deal with the procurement system of this state;
11 (c) To provide increased economy in state procurement activities
12 and maximize to the fullest extent practicable the purchasing value of
13 the public funds of the state;
14 (d) To foster effective broad-based competition within the free
15 enterprise system; and
16 (e) To provide safeguards for the maintenance of a procurement
17 system of quality and integrity.
18 (2) The state purchasing bureau may lead the negotiation of a
19 contract competitively bid for goods or services in which the state is
20 interested and on behalf of a cooperative purchasing organization on
21 behalf of a group of states or political subdivisions.
22 Sec. 6. Original sections 13-2904, 73-507, 81-153, and 81-1118.06,
23 Reissue Revised Statutes of Nebraska, and section 13-2914, Revised
24 Statutes Supplement, 2019, are repealed.
25 2. On page 1, strike beginning with "state" in line 1 through line 6
26 and insert "public lettings and contracts; to amend sections 13-2904,
27 73-507, 81-153, and 81-1118.06, Reissue Revised Statutes of Nebraska, and
28 section 13-2914, Revised Statutes Supplement, 2019; to change the
29 Political Subdivisions Construction Alternatives Act; to provide
30 exceptions to certain state bidding requirements and contract approval
31 procedures; to provide and change powers and duties of the materiel
1 division of the Department of Administrative Services; and to repeal the
2 original sections."
3

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Gragert.

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 696:

Commission for the Blind and Visually Impaired
  Mark M. Bulger
  Brent Heyen
  Kimberly Scherbarth
Voting in the affirmative, 33:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Cavanaugh</th>
<th>Geist</th>
<th>Hunt</th>
<th>Murman</th>
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<tbody>
<tr>
<td>Arch</td>
<td>Chambers</td>
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<td>Kolowski</td>
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<td>Brewer</td>
<td>Friesen</td>
<td>Hughes</td>
<td>Moser</td>
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</tbody>
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Voting in the negative, 0.

Present and not voting, 3:

Hilkemann  Lathrop  Lindstrom

Excused and not voting, 13:

Briese  Hansen, M.  Morfeld  Stinner  Wishart
DeBoer  Linehan  Pansing Brooks  Walz
Groene  McCollister  Slama  Wayne

The appointments were confirmed with 33 ayes, 0 nays, 3 present and not voting, and 13 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 on page 696:

Nebraska Motor Vehicle Industry Licensing Board
Stephan Budke
Dennis Cloninger
Brad Jacobs
Clint Jones
Joseph Kosiski
Thomas R. McCaslin
Matthew O'Daniel
Curt Prohaska
Dennis R. Schworer

Voting in the affirmative, 36:
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<tr>
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<td>Gragert</td>
<td>La Grone</td>
<td>Stinner</td>
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Voting in the negative, 0.

Present and not voting, 3:

| Hilkemann | Howard | Lindstrom |

Excused and not voting, 10:

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<tr>
<th>Briese</th>
<th>Groene</th>
<th>Linehan</th>
<th>Morfeld</th>
<th>Slama</th>
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<tbody>
<tr>
<td>DeBoer</td>
<td>Hansen, M.</td>
<td>McCollister</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
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</table>

The appointments were confirmed with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 714:

Nebraska State Fair Board
Beth Smith

Voting in the affirmative, 32:

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<thead>
<tr>
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Voting in the negative, 0.

Present and not voting, 7:

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<tr>
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</table>

Excused and not voting, 10:
The appointment was confirmed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

**State Racing Commission**
- Janelle Beveridge

Voting in the affirmative, 31:

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<tr>
<th>Albrecht</th>
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<td>La Grone</td>
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Voting in the negative, 0.

Present and not voting, 8:

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</table>

Excused and not voting, 10:

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<th>Morfeld</th>
<th>Slama</th>
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<td>McCollister</td>
<td>Pansing Brooks</td>
<td>Walz</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

**State Electrical Board**
- James S. Brummer
- David Hunter

Voting in the affirmative, 36:
The appointments were confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

Nebraska Commission on Problem Gambling
Kelly J. Lambert

Voting in the affirmative, 31:

Voting in the negative, 0.

Present and not voting, 9:

Excused and not voting, 9:
The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

Nebraska Arts Council
Mark Laughlin

Voting in the affirmative, 30:

Albrecht Brewer Gragert Kolowski Murman
Arch Chambers Halloran La Grone Pansing Brooks
Blood Crawford Hansen, B. Lathrop Quick
Bolz Dorn Howard Lowe Scheer
Bostelman Erdman Hughes McCollister Wayne
Brandt Geist Hunt Moser Williams

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh Friesen Hilkemann Lindstrom Vargas
Clements Hilgers Kolterman McDonnell Wishart

Excused and not voting, 9:

Briese Groene Linehan Slama Walz
DeBoer Hansen, M. Morfeld Stinner

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 755. Placed on General File with amendment.

AM2480 is available in the Bill Room.

(Signed) Sara Howard, Chairperson
Urban Affairs

LEGISLATIVE BILL 976. Placed on General File.

(Signed) Justin Wayne, Chairperson
AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB858:
\textbf{AM2633} (Amendments to Standing Committee amendments, AM2346)

1. On page 6, line 24, strike "Taking" and insert "A procedure takes".

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

Committee \textbf{AM2486}, found on page 654, was offered.

SENIOR HUGHES PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Halloran withdrew his amendment, \textbf{AM2039}, found on page 468.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Committee \textbf{AM2182}, found on page 639, 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 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 963. Title read. Considered.

Committee \textbf{AM2523}, found on page 677, 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 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 963A. 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)
Enrollment and Review

LEGISLATIVE BILL 962. Placed on Select File with amendment.
ER177
1 1. On page 1, line 4, strike "to provide an operative date;".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 780. Placed on General File.

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM2163
1 1. On page 51, reinstate the stricken matter beginning with "(a)" in 2 line 9 through line 10; in line 14 strike the new matter and reinstate 3 the stricken matter; in line 23 strike "(b)" and insert "(c)"; and in 4 line 27 strike "(c)" and insert "(d)".

(Signed) John Stinner, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 128. Indefinitely postponed.
LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 371. Indefinitely postponed.
LEGISLATIVE BILL 546. Indefinitely postponed.
LEGISLATIVE BILL 612. Indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.
LEGISLATIVE BILL 697. Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

Revenue

LEGISLATIVE BILL 1130. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

SENATOR WILLIAMS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 840. Title read. Considered.

Committee AM2512, found on page 693, was adopted with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.
Senator Wayne offered the following amendment:

AM2598

(Amendments to Standing Committee amendments, AM2512)

1. Strike section 5 and insert the following new section:

2. Sec. 5. Electronic smoking device retail outlet means a store that

is licensed as provided under sections 28-1421 and 28-1422 and that sells

electronic smoking devices and products directly related to electronic

smoking devices.

2. On page 1, line 23, after “resolution” insert “, except as

provided in subsection (2) of section 71-5730”.

3. On page 3, line 14, after the period insert “This subsection

preempts any local law on the subject.”.

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 774. Placed on General File with amendment.

AM2558 is available in the Bill Room.

LEGISLATIVE BILL 808. Placed on General File with amendment.

AM2559 is available in the Bill Room.

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1131:

AM2638

(Amendments to Standing Committee amendments, AM2456)

1. Insert the following new sections:

2. Sec. 48. Beginning with the 2021-22 school year, each school board

shall require that the phone number for a national suicide prevention

hotline, a local suicide prevention hotline, or a crisis text line is

printed on each new student identification card issued to a student

enrolled in a middle school grade or a high school grade, as defined by

such school board, in a school under the authority of such school board.

Nothing in this section shall be construed to require the issuance of

student identification cards to students in any school.

2. Sec. 49. Beginning with the 2021-22 academic year, each public

postsecondary institution authorized to operate in this state shall

require that the phone number for a national suicide prevention hotline,

a local suicide prevention hotline, or a crisis text line is printed on

each new student identification card issued to a student enrolled in such

public postsecondary institution. Nothing in this section shall be

construed to require the issuance of student identification cards to

students in any postsecondary institution.

2. Renumber the remaining section accordingly.

Senator Morfeld filed the following amendment to LB1042:

AM2592 is available in the Bill Room.
Senator McDonnell filed the following amendment to LB448:

AM2648

(Amendments to E & R amendments, ER167)

1. On page 2, lines 1 through 3, strike the new matter and insert
   "eleven"; in line 3 reinstate the striken "thousand dollars"; and in
2. line 6 after the period insert "Beginning in 2023, the Nebraska Workers'
3. Compensation Court shall annually adjust the dollar limitation in this
4. subsection. The adjusted limitation shall be equal to the then current
5. limitation adjusted by the greater of one percent or the percentage
6. change, for the preceding year, in the Consumer Price Index for All Urban
7. Consumers, as prepared by the United States Department of Labor, Bureau
8. of Labor Statistics. Any adjustment shall be effective on July 1. The
9. adjustment shall not exceed two and three-quarters percent per annum. If
10. the amount so adjusted is not a multiple of one hundred dollars, the
11. amount shall be rounded to the nearest multiple of one hundred dollars."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lathrop name added to LB779.
Senator Hunt name added to LB1078.

VISITOR(S)

Visitors to the Chamber were students from Wildewood Elementary,
Ralston.

The Doctor of the Day was Dr. Christopher Snyder from Omaha.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Moser, the Legislature adjourned
until 9:00 a.m., Thursday, February 27, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SECOND DAY - FEBRUARY 27, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 2020

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., Senator Lindstrom presiding.

The roll was called and all members were present except Senators Albrecht, DeBoer, Friesen, M. Hansen, Linehan, McCollister, Morfeld, Pansing Brooks, Scheer, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 2020, 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

Baker, Cassi
Greenwich Biosciences, Inc.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Norfolk Area Chamber of Commerce
INTRODUCTION

You indicate you are considering introducing legislation to make the State of Nebraska, Department of Transportation ("State") responsible for the maintenance of the State highway "right of way." Based on prior discussions with you about this subject, we understand you are asking about the maintenance responsibility for any County road where it intersects with a State highway. Specifically, those discussions have been about whether the State or the County ("County") has the responsibility to maintain the part of any County road located on State highway right of way. You note there has been some disagreement and confusion about this issue between the State and certain County officials.

Your question does not pertain to the State's responsibility to maintain the traveled lanes of the State highway. As discussed below, the State is responsible for the traveled lanes, including the area of the "intersection." By statute, the intersection is the area within "the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles" or otherwise expressed as "the area within which vehicles traveling upon different highways joining at any other angle may come in conflict." Neb. Rev. Stat. § 39-101(4) (2016). The "roadway" is the part of a highway used for vehicular travel. Neb. Rev. Stat. § 39-101(11) (2016). The State is also responsible for maintaining any paved shoulder of the State highway since the shoulder is used in conjunction with the highway traveled lanes.

Although you have asked only about the maintenance responsibility for these segments of County roads, maintenance is only one of several duties applying to an entity assigned jurisdictional responsibility over a public road. The other duties, according to Neb. Rev. Stat. § 39-2105 (Cum. Supp. 2018), are design, construction, reconstruction, and operation. While this
opinion focuses on "maintenance," our conclusion also applies to these other duties. Further, when we refer to "maintenance" we mean "the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety." Neb. Rev. Stat. § 39-101(6) (2016).

You ask in your letter about the application of the provisions of Neb. Rev. Stat. § 39-1339 (2016) to this issue. Section 39-1339 does not apply because it deals expressly with the allocation of maintenance duties on the portions of State highways located within the corporate limits of a City. Similarly, Neb. Rev. Stat. § 39-1372 (2016) does not apply to your question because it relates solely to the assignment of maintenance responsibilities between the County and the State at County road intersections with State freeways, including the Interstate highway system. Thus, these sections do not assist in resolving the issue raised in your letter.

BACKGROUND

It may not be apparent to a casual observer where an intersecting County road first enters the State highway right of way. This is, in part, because the State typically blended the two roads together in the area of the intersection when the State reconstructed the State highway. To enhance the smoothness of the roadway transition when the County road was unpaved, the State usually paved a short transition from the highway pavement, called a paved return, to improve the connection between the roads. Further, roadway ditches and other topographic features were typically reconstructed to the extent necessary to create a relatively seamless intersection. The vast majority of State highways have been hard surfaced, and the majority of intersecting County roads are not hard surfaced. The State's long-standing interpretation and practice has been for the County, not the State, to be responsible for operating and maintaining the short County road segment discussed in this opinion. We understand some of your constituent Counties have argued the State should be responsible for "maintaining" all of the 50 to 75 feet of the County road located on State "right of way".

We are not aware of case law or an Attorney General's Opinion addressing this issue. There are a few Attorney General's Opinions that cite or discuss some of the statutory provisions set out below.¹ There is an Attorney General's Opinion that concluded that a County does not have authority to expend County funds to construct a street within the corporate limits of a City under a statute that expressly states the County has jurisdiction only over roads outside the corporate limits. 1977-78 Rep. Att'y Gen. 310 (Opinion No. 200, dated Feb. 24, 1978). Unlike that Opinion, there is no statute expressly limiting a County's jurisdiction in the area of a State highway intersection with a County road.

Fundamental to the development of an integrated system of public roads is a determination of the function each road segment serves. Through adoption by law of a functional classification system, it is the intent of the Legislature that each segment of public road shall be identified according to the function it serves. Identification of roads according to function then will permit the establishment of uniform standards of design, construction, operation, and maintenance for each classification of road. Such standards will promote the general safety of the traveling public, enhance the free flow of traffic, and provide improved utilization of highway financing.

Responsibility for the various functional classifications of public roads shall be assigned by law to the state, the counties, and the municipalities, as appropriate, such assignments reflecting the general responsibilities of each entity.


Under Neb. Rev. Stat. § 39-2105(1) (Cum. Supp. 2018), the State has been assigned jurisdictional responsibility for the "design, construction, reconstruction, maintenance, and operation" of "all roads" that are functionally classified as "interstate, expressway, and major arterial." Major arterials, according to § 39-2103(3), are highways used for "high-speed, relatively long-distance travel patterns." Section 39-2105(2) states the various counties have jurisdictional responsibility for "all roads" functionally classified as "other arterial, collector, local, minimum maintenance, and remote residential." Section 39-2103(5) describes "other arterial" roads as "highways of less importance as through travel routes which would serve places of smaller population . . . not served by the higher systems." According to these provisions, jurisdictional responsibility for rural roads is assigned based on the function served by each classification, not the ownership status of the property on which the rural road is located.

The Legislature provided each functional classification of rural road should have its own unique standards. In the 1960s and 1970s, the
legislature created the Nebraska Board of Public Roads Classifications and Standards ("Board") and required the Board to "develop minimum standards of design, construction, and maintenance for each functional classification set forth in section 39-2103." Neb. Rev. Stat. § 39-2113(1) (Supp. 2019). The Legislature directed "such standards shall be such as to assure that each segment of highway, road, or street will satisfactorily meet the requirements of the area it serves and the traffic patterns and volumes which it may reasonably be expected to bear." Id. The design and maintenance standards were developed and continue to apply today to the through traffic "major arterials" (State Highways) and are more stringent than the standards applying to the functional classifications for which the Counties are responsible. See 428 Neb. Admin. Code, ch. 2.

ANALYSIS

Although no single statute provides the answer to your question, we believe the collection of statutes on this subject create a framework from which the issue can be resolved. The Nebraska Supreme Court has stated:

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, it being the court's duty to discover, if possible, the Legislature's intent from the language of the statute itself. Curry v. State, ex rel. Stenberg, 242 Neb. 695, 496 N.W.2d 512 (1993). The components of a series or collection of statutes pertaining to a certain subject matter may be conjunctively considered and construed to determine the intent of the Legislature so that different provisions of an act are consistent, harmonious, and sensible. Maack v. School Dist. of Lincoln, 241 Neb. 847, 491 N.W.2d 341 (1992).

Becker v. Nebraska Acct. & Disclosure Comm., 249 Neb. 28, 33, 541 N.W.2d 36, 40 (1995). As explained below, we conclude this statutory framework should be construed to place responsibility for maintaining the part of the County road located on State right of way on the County.

The integrated system the Legislature created in 1969 requires that every public road be evaluated to determine what function it serves for the public. All public roads serving the same function are grouped in the same functional classification. The Legislature determined the State would be assigned the jurisdictional responsibility for "public roads" in functional classifications serving statewide interests. Those functional classifications are "interstate, expressway and major arterial." Neb. Rev. Stat. § 39-2105(1) (Cum. Supp. 2018). These classifications are the through traffic routes providing high speed direct connections between the various communities in Nebraska and connecting Nebraska to surrounding States. See also Neb. Rev. Stat. § 39-2105(3) (Cum. Supp. 2018). Further, the applicable design and maintenance standards reflect the interests of the high speed, long distance traveling public.
Similarly, the Legislature assigned to the Counties jurisdictional responsibility for the public roads in functional classifications serving more local interests. The Counties are responsible for the roads classified as "other arterial, collector, and local." Neb. Rev. Stat. § 39-2105(2) (Cum. Supp. 2018). These roads serve many important local functions such as (a) providing access to all rural parcels of land, (b) serving as a route for rural mail delivery, and (c) providing rural connections to local schools, markets and communities. The applicable design and maintenance standards are unique to these roads and reflect the type of traffic expected to travel along such roads.

The Legislature did not focus on which public entity owned the rights of way on which the various classifications of roads exist. Instead, the Legislature assigned jurisdictional responsibility between the State and the Counties based on the transportation function served by each classification of road. We understand it is somewhat common for a road of the State, County or City to be located on public property owned by one of the other governmental entities. For example, some State highways have been constructed on County road easements along a government section line. Similarly, when the State completes a major reconstruction of a highway, it sometimes needs to realign an intersecting County road to connect into the State highway at a safer location. In those instances, the realigned County road is located on property acquired by the State. Finally, in some communities, the State highway passing through town today occupies a dedicated City street right of way. Responsibility for maintenance in these instances is not related to who "owns" the right of way.

Construing the statutes establishing Nebraska's integrated system of public roads as a whole, we conclude that the State is responsible for maintenance of the major arterial rural highways regardless of which entity owns the property rights on which those highways are located. Counties, in turn, are responsible for the operation and maintenance of all parts of the County road right up to the paved highway or paved highway shoulder.

**CONCLUSION**

Nebraska's statutes do not expressly state who is responsible for the maintenance of the part of a County road located on State highway property because jurisdictional responsibility is not based on who owns the land under the highway or road. For the reasons stated above, we concluded that the State is responsible for maintenance of the major arterial rural highways regardless of which entity owns the property rights on which those highways are located. The County is responsible for the maintenance, and other duties, of all of a County road, even the portion located on State highway property, regardless of which entity owns the underlying property rights. This conclusion is consistent with the Legislature's intent to create an integrated system of public roads.
Sincerely yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Jeffery T. Schroeder
Assistant Attorney General

pc Patrick J. O'Donnell
   Clerk of the Nebraska Legislature


Opinion 20-003

SUBJECT: LB 992 – Constitutionality of Authorizing the Use of Electric Utility Easements to Furnish Commercial Broadband Service

REQUESTED BY: Senator Curt Friesen
               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 concerning the constitutionality of LB 992. Sections 1 to 5 of LB 992 would be known as the Broadband Internet Service Infrastructure Act ["BISIA" or the "Act"]. You describe the bill as allowing an electric utility that holds an electric utility easement, or a commercial broadband supplier designated by the electric utility, to take certain actions without the consent of an interest holder in the real property subject to the easement. The Act would require that notice be provided thirty days prior to taking action with regard to broadband service to the real property owner or other interest holders that have requested notice. It would also establish a two year statute of limitations for claims against an electric utility or commercial broadband supplier and set forth the measure of damages for such claims.

Your specific question is "are the notice provisions relating to due process and the limitation of damages that could be awarded to a property owner constitutional in light of Article 1, Section 3 of the Nebraska constitution . . . ?"
ANALYSIS

I. Provisions of LB 992

You have introduced LB 992 to implement the recommendations of the Rural Broadband Task Force. Section 1 of LB 992 states that sections 1 to 5 of the act constitute the Broadband Internet Service Infrastructure Act. Section 6 of the act, while not part of the BISIA, expresses the intent of the Legislature "to encourage local and regional broadband planning, and to encourage public-private partnerships to enhance broadband services in unserved and underserved areas of the state." It appears that the general intent of the BISIA is to facilitate the use of existing electric utility easements to provide commercial broadband service.

Specifically, subsection (1) of section 3 provides that, if certain notice and filing requirements are met, an electric utility holding an electric utility easement may:

(a) Install, maintain, or own, or permit any commercial broadband supplier to install, maintain, or own, an attached facility for operation by a commercial broadband supplier in providing commercial broadband service; and

(b) Lease or otherwise provide to a commercial broadband supplier any excess capacity of attached facilities for purposes of providing commercial broadband service.

An "attached facility" is defined at section 2 of LB 992 to mean a broadband facility located substantially "aboveground and attached to an electric utility's electric service infrastructure" or "underground in an electric utility easement and existing before the delivery of notice pursuant to section 3 . . . ."

The electric utility may take the actions described above without the consent of an interest holder in the real property subject to the electric utility easement. However, in order to do so, subsection (2) of section 3 requires that the electric utility or its designated commercial broadband supplier must first send notice to each property owner and to any other interest holder that has recorded a request for notice with the county clerk. That notice must be sent by certified mail at least thirty days before taking the actions described in subsection (1) of section 3. In addition, the electric utility or its designated commercial broadband supplier must record a memorandum in the office of the county clerk.

Section 4 provides a two year statute of limitations for claims brought by an interest holder against an electric utility or commercial broadband supplier concerning the exercise of an action under section 3 of the act. That statute of limitations does not apply to claims based on physical
damage to property, injury to natural persons or breach of the terms and conditions of a written electric easement.

Section 4 also contains provisions relevant to your inquiry about damages. As will be discussed below, subsection (3) pertains to the measure of damages for all trespass claims, inverse condemnations claims or other claims brought by interest holders and sets out some limitations on damages which may be recovered.

II. Article I, § 3 And Article I, § 21

You have inquired about Neb. Const. art. I, § 3 which provides: "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the law." The answer to your questions also concerns Neb. Const. art. I, § 21 which provides: "The property of no person shall be taken or damaged for public use without just compensation therefor." This provision is often referred to as the "takings" clause. A like guarantee is found at U.S. Const. amend. XIV which provides, as is relevant: "No person shall … be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." We note that the protection afforded a property owner under the Nebraska Constitution is broader than that provided in the United States Constitution as it protects against state action taking or damaging private property. For purposes of this opinion, we will discuss these constitutional provisions together.

We begin with a general discussion of eminent domain. The Nebraska Supreme Court, referring to Thompson v. Heineman, 289 Neb. 798, 857 N.W.2d 731 (2015), described eminent domain as follows:

Eminent domain is the State's inherent power to take private property for a public use. The State's eminent domain power resides in the Legislature and exists independently of the Nebraska Constitution. But the constitution has limited the power of eminent domain, and the Legislature can limit its use further through statutory enactments. Under Neb. Const. art. I, § 21, the State can take private property only for a public use and only if it pays just compensation. Only the Legislature can authorize a private or public entity to exercise the State's power of eminent domain. Estermann v. Bose, 296 Neb. 228, 240, 892 N.W.2d 857, 867 (2017) (citations omitted).

The state's power of eminent domain may be delegated by the Legislature. Eminent domain power "belongs to the state and may be exercised either directly by the Legislature or through the medium of corporate bodies, which includes municipalities, or of individual enterprises to whom it sees fit to delegate such power in the public's interest." In re Condemnation of Blocks 13, 14, 15, Koehler's Subdivision, City of Grand Island, 144 Neb. 67, 69, 12 N.W.2d 540, 541 (1943). As noted by the Nebraska Supreme Court in Estermann, the Legislature has delegated the power of eminent domain to
natural resource districts, which are political subdivisions of the state. *Id.* at 240, 892 N.W.2d at 867. Private entities, such as railroads, have also been delegated the statutory authority to acquire land through eminent domain. *Burlington Northern and Santa Fe Ry. Co. v. Chaulk*, 262 Neb. 235, 631 N.W.2d 131 (2001) ["Burlington Northern"].

LB 992 concerns existing electrical utility easements held by an electric utility. LB 992, § 2(4). The takings clause applies to takings of real property, including easements. *In re Petition of Omaha Public Power District*, 268 Neb. 43, 680 N.W.2d 131 (2004) (public power district filed a petition for condemnation to condemn a permanent right-of-way easement to construct an electric powerline); *Liberty Development Corp. v. Metropolitan Utilities Dist. Of Omaha*, 276 Neb. 23, 751 N.W.2d 608 (2008).

Finally, under art. I, § 21, any private property which is taken must be taken for a public use. "It is essential that property taken under the power of eminent domain be for a public use and not a private one." *Burlington Northern*, 262 Neb. at 242, 631 N.W.2d at 137. However, the definition of public use is a broad one. The use of the power of eminent domain to build public highways, to acquire land for public buildings or to install electrical and telephone lines are examples of public uses. It has long been held that the generation and transmission of electricity for the purpose of furnishing electrical power to the public is a public use for which the power of eminent domain may be exercised. *Lucas v. Ashland Light, Mill & Power Co.*, 92 Neb. 550, 138 N.W. 761 (1912). In our view, broadband service has become as essential a part of the infrastructure as electrical and telephone service and the provision of broadband service to the public would be found to constitute a public use.

III. Due Process In The Context of Eminent Domain

You have inquired whether the notice provisions of LB 992 are constitutional in light of Neb. Const. art. I, § 3, which mandates that no person shall be deprived of property without due process of law. Because you have referred to the notice provisions, we assume you are referring to the principle of procedural due process which generally entails notice and an opportunity for a hearing. However, due process does not guarantee any particular form or method of procedure in the context of eminent domain, and, in some situations, it may be sufficient that the landowner has an opportunity for a hearing on the issue of just compensation.

Specifically, if eminent domain authority is exercised without first instituting condemnation proceedings, a landowner may file a claim for inverse condemnation. "Inverse condemnation is a shorthand description for a landowner suit to recover just compensation for a governmental taking of the landowner’s property without the benefit of condemnation proceedings." *Cappel v. State Department of Natural Resources*, 298 Neb. 445, 452, 905 N.W.2d 38, 46 (2017). "While the property owner cannot
compel the return of the property taken, because of the eminent domain power of the condemner, he has a constitutional right, as a substitute, to just compensation for what was taken." *Krambeck v City of Gretna*, 198 Neb. 608, 614, 254 N.W.2d 691, 695 (1977). And, the Nebraska statutes which set forth the procedures applicable to eminent domain actions recognize that a landowner may initiate the proceedings. "If any condemner shall have taken or damaged property for public use without instituting condemnation proceedings, the condemnee, in addition to any other available remedy, may file a petition with the county judge of the county where the property or some part thereof is situated to have the damages ascertained and determined." Neb. Rev. Stat. § 76-705 (2018).

The Court did find a violation of due process in an inverse condemnation case brought by the owner of an unoccupied home which had been demolished by the city. *Blanchard v. City of Ralston*, 251 Neb. 706, 559 N.W.2d 735 (1997). There, a notice posted on the house which gave Blanchard three days to remedy the unsafe home and ten days to appeal the decision to demolish was insufficient. The Court noted that three days was not a reasonable time to take necessary steps to make the house safe and that the notice failed to adequately notify Blanchard of the City's safety concerns. In addition, although a notice of appeal was filed by the property owner, demolition of the home began prior to the time of the hearing. However, in general, when there has been a deprivation of a significant property interest, "due process requires notice and an opportunity to be heard that is appropriate to the nature of the case." *Prime Realty Development, Inc. v. City of Omaha*, 258 Neb. 72, 76, 602 N.W.2d 13, 16 (1999) (emphasis added). And, in *May v. City of Kearney*, 145 Neb. 475, 17 N.W.2d 448 (1945), the Court upheld a statutory scheme which provided for limited hearings on the issue of just compensation.

Here, LB 992 provides that an electric utility with an existing electric utility easement may install, maintain, or own an attached facility, or lease excess capacity of attached facilities for purposes of providing commercial broadband service only if, at least thirty days before taking action, it mails notice to each property owner and to any other interest holder that has recorded a request for notice in the office of the county clerk. LB 992 § 3(2). This notice provision appears adequate under the Nebraska cases discussed above. The bill also recognizes that an interest holder may bring a claim against an electric utility or a commercial broadband supplier after that entity has taken action pursuant to section 3. Section 4 refers to a statute of limitations for claims against the electric utility or commercial broadband supplier, specifies the measure of damages which may be awarded to an interest holder, and refers to that interest holder bringing "a trespass claim, inverse condemnation claim, or any other claim or cause of action." Therefore, although there is no requirement under LB 992 that the electric utility first institute condemnation proceedings, a landowner or other interest holder retains the right to initiate proceedings and to be heard.
IV. Damages Pursuant to LB 992

You also inquire about the constitutionality of LB 992's limitation of damages that a landowner may request. LB 992, § 4(3) contains several provisions which would govern the damages which may be awarded to a landowner or other interest holder. The measure of damages is defined at § 4 (3) (a) as "the fair market value of the reduction in value of the interest holder's interest in the real property." This compares to the Nebraska Supreme Court's holding that "the measure of damages for the taking of an easement is the difference in the reasonable market value of the property before and after the taking of the easement." In re Petition of Omaha Public Power District, 268 Neb. 43, 51, 680 N.W.2d 128, 136 (2004) (citing Ward v. Nebraska Electric G. & T. Co-op, Inc., 195 Neb. 641, 240 N.W.2d 18 (1976)).

However, § 4(3)(a)(i) then provides that neither evidence of profits or revenue derived from the attached facilities nor evidence of the rental value of the real property interest or electric easement are admissible in a judicial proceeding. Section 4(3)(a)(ii) requires that "[c]onsideration must be given to any increase in value to the real property interest resulting from the availability of commercial broadband service to the real property ...." Section 4(3)(c) provides further restrictions on damages, including the provision that "an interest holder is not entitled to reimbursement ... for the cost of any appraisal, attorney fees, or award for special, consequential, indirect, or punitive damages." Also, currently, a landowner who prevails in an inverse condemnation action would generally be entitled to an award of costs and expenses, which may include reasonable attorney's, appraisal, and engineering fees. Neb. Rev. Stat. § 76-726 (2018).

To the extent that LB 992 places these restrictions on damages that may be recovered, it creates some uncertainty whether the bill is consistent with the constitutional requirement of just compensation. We cannot say that the damages limitations are facially invalid. However, as applied in a particular case, the limitations may not satisfy the just compensation requirement of art. I, § 21.

CONCLUSION

In summary, we do not believe that the proposed legislation would contravene the procedural due process requirements required by Neb. Const. art. I, § 3. LB 992 does require notice to landowners and interest holders and provides an opportunity for a hearing. While the constitutionality of the bill's limitations on damages is less clear, we cannot say those provisions plainly violate Neb. Const. art. I, § 3 or art. I, § 21.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General
09-665-30

1 LB 992, § 4(1)(a) provides a two year period for bringing a claim against an electric utility or commercial broadband supplier under the Act. Section 4(1)(b) provides that this two year statute of limitations does not apply to claims based on physical damage to property, injury to natural persons or breach of the terms of a written electric easement. While you have not inquired about the statute of limitations, we note that the Nebraska Supreme Court has held that actions commenced under art. I, § 21 are governed by the ten year statute of limitations in Neb. Rev. Stat. § 25-502 (2016). Krambeck v. City of Gretna, 198 Neb. 608, 254 N.W.2d 691 (1977). An exception is an inverse condemnation claim against the State for which the two year statute of limitations in Neb. Rev. Stat. § 25-218 applies. LB 992 would provide another exception.

2 LB 992 is based on a bill enacted by Colorado in 2019 and codified at Colo. Rev. Stat. §§ 40-15-601 to 40-15-604. The Colorado statutes include notice and damages provisions substantially similar to those in LB 992. Indiana adopted similar changes in its laws in 2017. Ind. Code §§ 32-30-16-1 to 32-30-16-17. Other states which adopted laws in 2019 to facilitate the use of existing electric easements for broadband purposes include Georgia and Maryland. Ga. Code Ann. § 46-3-205; Md. Code Ann. Corp. & Ass'n's § 5-607 and § 5-641.1. Because these statutes were enacted so recently, we have not found any reported decisions pertaining to the constitutionality of their notice and damages provisions.

Opinion 20-004

SUBJECT: LB 720 — Constitutionality of Delegating Authority to Approve a Request to Exceed the Base Authority for Tax Refunds and Credits Under the ImagiNE Nebraska Act to the Executive Board of the Legislative Council

REQUESTED BY: Senator Tom Brandt
Senator Mark Kolterman
Nebraska State Legislature

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

Legislative Bill 720 creates the "ImagiNE Nebraska Act" ("Act"), the proposed successor to the Nebraska Advantage Act. The new Act would provide, among other things, tax incentives to certain qualified businesses. The Department of Economic Development ("DED") would administer the
Act. You have each requested an opinion from this office with respect to the constitutionality of certain provisions in LB 720 that confer on the Executive Board of the Legislative Council the authority to approve an increase to the "base authority" for sales and use tax refunds and tax credits. Senator Kolterman seeks our opinion as to whether the language in the bill violates the separation of powers clause in Neb. Const. art. II, § 1. Senator Brandt has asked this office to consider whether this statutory scheme constitutes an unlawful delegation of legislative power to the Executive Board. Our conclusions on these questions are set forth below.

PROPOSED LEGISLATION

The provisions at issue are currently found in section 4 of AM1975, adopted by the Legislature on select file on May 24, 2019. Almost identical language appears in section 39 of pending AM2207. The proposed language requires the DED to prepare an estimate of the amount of sales and use tax refunds to be paid and tax credits to be used under the Act for the upcoming three calendar years. DED must prepare the estimate on or before the fifteenth day of February and October of each year, and transmit the estimate to the Legislature. In preparing the estimate, DED shall use the most recent data available, including pending and approved applications, and updates required under section 28, subdivision (1)(f). Sec. 39(2)(a).

The "base authority" for the estimated amount of tax refunds and credits is defined as an amount equal to one hundred twenty-five million dollars for calendar years 2021 through 2024. Beginning with calendar year 2025 and every three years thereafter, the director shall adjust the base authority to an amount equal to three percent of the actual General Fund net receipts for the most recent fiscal year for which such information is available.

Sec. 39(2)(b). In the event the estimate in any given calendar year exceeds the base authority, DED must prepare an analysis explaining why the estimate exceeds the base authority and submit it to the Legislature. The DED director is prohibited from approving any additional applications which include refunds or credits for the particular calendar year in which the base authority is projected to be exceeded unless the DED director requests additional authority and the Executive Board approves the request. Sec. 39(2)(a)(i) and (ii).

Sec. 39(2)(c) sets out a process to be used by the Executive Board in making its determination, including holding a public meeting on the request. If the Executive Board fails to make a determination within forty-five days after receipt of the request, the request will be deemed approved. The Executive Board must also consider whether approval of the requested increase would achieve certain criteria contained in the bill, e.g., "promoting economic development in line with the state's economic development strategy" and "investment in distressed and rural areas."
DISCUSSION

I. Executive Board of the Legislative Council

Since the delegation in question is directed to the Executive Board of the Legislative Council, we will begin by examining the organization and duties of these entities.

A. Legislative Council

Neb. Rev. Stat. § 50-401 (2010) establishes a Legislative Council, hereinafter referred to as council, which shall consist of all of the members of the Legislature. It shall be the function of the Legislative Council to consider legislative policies between sessions of the Legislature and carry out the duties imposed by section 50-402.

Neb. Rev. Stat. § 50-402 (2010) authorizes the Legislative Council to collect information about state government and the state's general welfare; examine the effect of statutes and recommend amendments; address important issues of public policy; prepare a program of legislative bills deemed necessary for the welfare of the state; study and advise the Legislature on federal aid to state and local governmental entities; establish and maintain a bill drafting service; provide for the publication of Nebraska statutes; and set up subcommittees within the Executive Board to carry out certain functions, including investigations, determined to be in the public interest.

B. Executive Board

Neb. Rev. Stat. § 50-401.01 (Cum. Supp. 2018) establishes the Executive Board of the Legislative Council, comprised of a chairperson, a vice-chairperson, six members of the Legislature and the Speaker of the Legislature. The members serve a two-year term, and are selected at the beginning of each regular session of the Legislature when the speaker is chosen. The chairperson of the Appropriations Committee serves as an ex officio member when the Executive Board considers fiscal matters. The duties of the Executive Board include supervising all services and personnel of the Legislature, and appointing the Legislative Fiscal Analyst, Director of Research, Revisor of Statutes, and Legislative Auditor. Section 50-401.01(3) authorizes the Executive Board—notwithstanding any other provision of law—to contract for "legal, auditing, accounting, actuarial, or other professional services or advice for or on behalf of the executive board, the Legislative Council, the Legislature, or any member of the Legislature." Members of the Executive Board also serve as the Reference Committee. Rules of the Nebraska Unicameral Legislature, Rule 3, Sec. 4(e) (adopted January 23, 2019).
This office has previously indicated that the Legislative Council and the Executive Board are not separate entities. "[They] are creatures of the Legislature. Members serve in those capacities by virtue of the fact that they are members of the Legislature. These bodies are standing committees of the Legislature, created by law. As such they are not distinct and separate from the Legislature but merely a part of the Legislature itself." Op. Att'y Gen. No. 50 (March 13, 1981) at 2; see also Op. Att'y Gen. No. 49 (March 16, 1981); Op. Att'y Gen. No. 92054 (April 1, 1992). Thus, the Executive Board "can perform investigatory and other functions for the Legislature so long as [it does] not perform duties specifically required of the Legislature itself." Op. Att'y Gen. No. 92054 at 3; Op. Att'y Gen. No. 96027 (April 1, 1996).

II. Separation of Powers Clause

Neb. Const. art. II, § 1(1) provides that

[The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

"The purpose of the clause is to establish the permanent framework of our system of government and to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." State v. Phillips, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). "The powers of the three departments of government are derived from express grants in the Constitution and from the inherent right to accomplish all objects naturally within the orbit of each department, not expressly limited by the existence of a similar power elsewhere or express limitations in the Constitution." State ex rel. Veskrna v. Steel, 296 Neb. 581, 597, 894 N.W.2d 788, 799-800 (2017). "The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." State ex rel. Spire v. Conway, 238 Neb. 766, 773, 472 N.W.2d 403, 408 (1991). "Our constitution, unlike the federal Constitution and those of several other states, contains an express separation of powers clause. So we have been less willing to find overlapping responsibilities among the three branches of government." In re Nebraska Community Corr. Council, 274 Neb. 225, 229, 738 N.W.2d 850, 854 (2007); Polikov v. Neth, 270 Neb. 29, 699 N.W.2d 802 (2005).

This office has previously considered the propriety of legislation that purports to extend executive power to the legislative branch. In Opinion No. 22 (February 26, 1963), the Attorney General assessed the constitutionality of legislation that would require state agencies to obtain legislative approval and authorization prior to any construction, building and land purchases or expenditures from the State Institutional and Military Department Building
Fund. Also at issue was legislation that would require the consent of the Legislature, rather than the governor, for the acquisition of real property by the Game, Forestation and Parks Commission. We stated that

[w]hile the Legislature has the power and authority to decide all of these matters before making any appropriation, or before granting any authority, yet if it seeks to retain control by inserting in its laws and bills the requirement that no action be taken or money spent until subsequent approval of the Legislature be granted, then it is in effect, both making the law and administering it, appropriating the money and spending it, and the constitutional system of separation of powers would be destroyed.

What would be the situation if amendment to the bills were made to allow the Legislative Council or a committee of the Legislature to exercise this power of approval when the Legislature is not in session? Such bodies would not have any authority to pass laws or to make resolutions as does the Legislature. Any exercise of this attempted delegated authority would clearly be executive in its nature, substituting the discretion of the council or a committee for that of the executive. That this may not be done is self-evident. If the Legislature may not do it, certainly any group or committee of the Legislature may not do it . . .

Id. at 38 (emphasis in original).

In Op. Atty Gen. No. 53 (March 24, 1977), we considered legislation that would require the Game and Parks Commission to obtain the approval of the Legislature's Appropriations Committee for any planned expenditures from the Nebraska Outdoor Recreation Development Cash Fund. In finding the proposal to be constitutionally suspect to the extent it gave the Appropriations Committee veto power over executive decisions, we concluded:

If the [statutory] construction suggested above were adopted, it would be an attempt to administer an executive function by a committee of the Legislature. The committee would be empowered to review and reject executive decisions regarding particular expenditures. While the Legislature is fully authorized to limit executive choices by appropriate restrictions through enactment of statutes, once a statute is enacted or an appropriation made the Legislature has no further authority.

Id. at 1. In response to whether the proposed approval required the acquiescence of the entire Legislature, we indicated that it was irrelevant to the question of whether the separation of powers provision has been violated. "[I]f the bill is construed to reflect an intention by the Legislature to pass on each item of expenditure, either by the body as a whole or by a committee of the Legislature, Article II, Section 1 . . . is violated and the act would be unconstitutional." Id. at 2.
In Op. Att'y Gen. No. 87114 (December 9, 1987), the Attorney General considered the propriety of a proposed plan for the disbursement of money from the Nebraska Energy Settlement Fund. The legislation required the governor to develop a plan in accordance with the court order awarding the funds, applicable federal guidelines, and legislative guidelines contained in the bill, and submit the plan to the Legislature. The Appropriations Committee was then required to hold a public hearing and consider appropriations based on the plan. No money could be disbursed or expended from the fund without a legislative appropriation and only when in compliance with the legislative guidelines.

We concluded that the proposed disbursement procedure violated art. II, § 1. We stated that

[t]he Legislature is, in essence, requiring legislative approval before expenditure of the funds. The fact that the bill is written in terms of legislative approval for the appropriation does not alter the clear intent of the act requiring legislative approval for the expenditure. The Legislature is in effect attempting to both make the law and administer it; appropriate money, and spend it. This is a violation of the separation of powers article of the Constitution of the State of Nebraska.

In short, LB 683 is unconstitutional because it impinges on the executive power of the Governor to administer the funds involved.

Id. at 3.

In Op. Att'y Gen. No. 92054 (April 1, 1992), we considered proposed legislation that would require the state building administrator to submit a detailed report to the Executive Board analyzing the estimated costs to renovate an office building at the Norfolk Regional Center. The language required the Executive Board to determine whether the project should be completed in the event the estimated costs exceeded the appropriation provided in the bill. Relying on previous opinions of this office, including Opinion No. 22 and Opinion No. 87114 discussed above, we concluded that the proposed amendment was constitutionally suspect. We stated:

AM3692 would appropriate money for renovation of the Stone Office Building. However, after the appropriation, the Executive Board of the Legislative Council would still retain some control over completion of the project. In our view, this continued control impermissibly involves the Legislature in functions of the Executive branch of government. Any decision as to whether the renovation project should be completed if its costs overrun the appropriation should be left to the executive agency involved, since the determination if other funds are available or if there are other means to complete the project is really an executive function.
"[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. Veskerna, 296 Neb. at 598, 894 N.W.2d at 800. "The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered." Neb. Const. art. IV, § 6. AM2207 currently sets the base authority at one hundred twenty-five million dollars for calendar years 2021 through 2024, and "three percent of the actual General Fund net receipts for the most recent fiscal year for which such information is available" beginning in 2025, and every three years thereafter. The DED director is expressly prohibited from approving any applications involving refunds and credits when the estimate for a particular year exceeds the base authority unless the director requests and receives approval from the Executive Board to increase the authority. It seems to us that the continued presence and control of the Legislature in the administration of the Act constitutes an impermissible encroachment into executive power. While the Legislature is empowered to declare what the law is, it cannot reserve to itself the authority to administer the law as well. Consequently, we conclude that the proposed legislation violates the separation of powers provision in art. II, § 1.

III. Delegation of Legislative Authority


We are unaware of any Nebraska Supreme Court cases that consider the nondelegation doctrine in conjunction with the Executive Board. However, courts in other jurisdictions have addressed the constitutionality of statutes where the delegation in question was made to legislative committees. For example, in New York Public Interest Research Group, Inc. v. Carey, 86 Misc.2d 329, 383 N.Y.S.2d 197 (N.Y. Sup. Ct. 1976), a taxpayers’ group sought to restrain the governor and comptroller from retaining and paying certain officeholders on the grounds that legislative committees had recommended that such positions and programs be abolished. The court noted that "the Constitutional function of legislating which belongs
exclusively to the Legislature cannot be delegated even to its own committees or committee chairmen." *Id.* at 332, 383 N.Y.S.2d at 199. Since the appropriations bill funding the positions and programs was passed in lump sum form, and because the full Legislature had not specifically designated that the positions and programs be deleted in the bill, the court found that the recommendations of the legislative committees to abolish the positions and programs was ineffectual. *Id.* at 333-334, 383 N.Y.S.2d at 200.

In *Opinion of the Justices*, 121 N.H. 552, 431 A.2d 783 (N.H. 1981), the New Hampshire Supreme Court considered legislation that would authorize the Legislature to review and accept or reject administrative rules proposed by state agencies. The legislation required that the proposed rules be presented to standing committees of both houses for approval. However, the senate president and house speaker could agree to waive the committee approval requirement. The court found the statutory scheme unconstitutional, stating:

This wholesale shifting of legislative power to such small groups in either house cannot fairly be said to represent the "legislative will." . . . Left unstated, yet implicit in this constitutional scheme, is the requirement that the legislative authority of the government may be exercised only by a quorum of the two bodies of the General Court. Although the legislature may delegate a portion of the legislative authority to an administrative agency which is not subject to this requirement, it may not delegate its lawmaking authority to a smaller legislative body and thereby evade the requirement for action by a majority of a quorum of both legislative bodies. *Id.* at 559-560, 431 A.2d at 788.

In *Advisory Opinion In re Separation of Powers*, 305 N.C. 767, 295 S.E.2d 589 (N.C. 1982), the North Carolina Supreme Court considered the constitutionality of legislation establishing two joint legislative committees—one committee to control budget transfers and another to oversee all aspects of the acceptance and use of federal block grant funds, specifically when the General Assembly was not in session. Noting that the North Carolina Constitution vested the legislative power of the state in the General Assembly, the court found that the purported power given to the budget committee, comprised of twelve members of the house and senate, plus the senate president, "exceeds that given to the legislative branch by Article II of the Constitution." *Id.* at 775, 295 S.E.2d at 594. The court further found the statute creating the budget committee violated the separation of powers clause by encroaching on the constitutional duties and responsibilities imposed on the governor. *Id.* at 775-776, 295 S.E.2d at 594. While the court declined to address whether the General Assembly had the authority to determine whether the state would accept certain block grants and, if received, how to spend the funds, it made it clear that the committee had no power to do so:
[I]t is our considered opinion that the General Assembly may not delegate to a legislative committee the power to make those decisions.

In several of the instances set forth in G.S. 120-84.5 the committee would be exercising legislative functions. In those instances there would be an unlawful delegation of legislative power. In the other instances the committee would be exercising authority that is executive or administrative in character. In those instances there would be a violation of the separation of powers provisions of the Constitution and an encroachment upon the constitutional power of the Governor.

Id. at 779, 295 S.E.2d at 596.

Finally, in Legislative Research Comm’n v. Brown, 664 S.W.2d 907 (Ky. 1984), the Kentucky Supreme Court considered the constitutionality of statutes conferring powers on the Legislation Research Commission ("LRC"), a group comprised of six members of the Kentucky General Assembly. The court noted the provisions in the Kentucky Constitution vesting and restricting legislative power solely to the General Assembly. It further noted that "[i]n Bloemer v. Turner, ... we declared that the Kentucky Constitution '... made sure that the legislature may not in any degree abdicate its power." Id. at 915. Moreover, "[i]t is an accepted principle that 'the legislative department has no right to deputize to others the power to perform its governing functions.'" Id., quoting Bloemer, 137 S.W.2d at 391. In finding that the General Assembly could not delegate its authority to legislate to the LRC, the court stated:

It is clear from the aforementioned cases that delegation, of legislative power, to be lawful, must not include the exercise of discretion as to what the law shall be. In addition, such delegation must have standards controlling the exercise of administrative discretion. Finally, the delegating authority must have the right to withdraw the delegation.

Therefore, we conclude that the General Assembly, which constitutionally holds legislative power, cannot delegate that power to the LRC.

664 S.W.2d at 915.

In Nebraska, "[t]he legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. "[N]o law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal." Neb. Const. art. III, § 13. As currently drafted, AM2207 requires the approval of the Executive Board to exceed the amount of the base authority otherwise prescribed in the Act. In light of the constitutional provisions and the authority discussed above, we believe this legislation constitutes an unconstitutional attempt by the Legislature to delegate
legislative authority to the Executive Board. If the Legislature believes the base authority should be increased annually to accommodate the tax refunds and credits allowed under the Act, it may do so by appropriate legislation. Alternatively, the Legislature may delegate the power to adjust the base authority to executive officials, provided that reasonable limitations and standards for carrying out the delegated duties are stated in the authorizing act.

CONCLUSION

Based on the foregoing analysis, it is our opinion that any proposed legislation that would require the DED director to obtain approval of the Executive Board to increase the base authority necessary to administer certain provisions of the ImagiNE Nebraska Act would constitute an impermissible encroachment on executive power in violation of the separation of powers provision in Neb. Const. art. II, § 1. We also conclude that any attempts by the Legislature to delegate its legislative function to a subset of the full Legislature would be an unlawful delegation of the authority vested in the Legislature under Neb. Const. art. III, § 1.

Sincerely,

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

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2402


2 Subdivision (1)(f) requires the taxpayer to provide an updated timetable each year "showing the expected sales and use tax refunds and what year they are expected to be claimed . . . ."


5 Contrary to the opinions discussed herein, in the course of our research we identified three statutes where the Executive Board has been improperly delegated authority to approve, if the Legislature is not in session, certain construction projects, financing plans, and expenditures in excess of five hundred thousand dollars pertaining to the University of Nebraska and the Nebraska State Colleges. See Neb. Rev. Stat. § 85-404 (2014); Neb. Rev. Stat. § 85-408 (2014); and Neb. Rev. Stat. § 85-426 (2014).
LEGISLATIVE RESOLUTION 328. Introduced by Stinner, 48.

WHEREAS, Fred Lockwood has served eight four-year terms on the Nebraska Economic Forecasting Advisory Board, beginning with the creation of the board in 1984; and
WHEREAS, Fred Lockwood served eight two-year terms as Chairman of the Nebraska Economic Forecasting Advisory Board from 1986 to 2004; and
WHEREAS, the Nebraska Economic Forecasting Advisory Board is responsible for providing advisory forecasts of General Fund tax receipts to the Governor and the Legislature; and
WHEREAS, Fred Lockwood served as Director of the Nebraska Community Foundation from 2000 to 2009; and
WHEREAS, Fred Lockwood served as Director of the Nebraska Chamber of Commerce and Industry from 1990 to 1999; and
WHEREAS, Fred Lockwood served three four-year terms as a member of the county board of Scotts Bluff County from 1967 to 1979; and
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes and thanks Fred Lockwood for his lifetime of public service, including his thirty-two years of service on the Nebraska Economic Forecasting Advisory Board.
2. That a copy of this resolution be sent to Fred Lockwood.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

GENERAL FILE

LEGISLATIVE BILL 840. Senator Wayne withdrew his amendment, AM2598, found on page 750.
Senator Wayne offered the following amendment:

AM2677  (Amendments to Standing Committee amendments, AM2512)
1 1. Strike section 5 and insert the following new section:
2 Sec. 5. Electronic smoking device retail outlet means a store that
3 is licensed as provided under sections 28-1421 and 28-1422 and that sells
4 electronic smoking devices and products directly related to electronic
5 smoking devices.
6 2. On page 3, strike lines 13 and 14 and insert the following new
7 subsection:
8 "(2) An electronic smoking device retail outlet that does not allow
9 persons under the age of twenty-one years to enter the outlet is exempt
10 from section 71-5729 as it relates to the use of electronic smoking
11 devices only."

Senator Wayne withdrew his amendment.

Senator Quick offered the following amendment:

FA103  Amend AM2512
On page 2 line 3, strike after the word device through line 6 at the period and insert "means an
electronic nicotine delivery system as defined in Section 28-1418.01".

The Quick amendment was adopted with 34 ayes, 1 nay, 12 present and not
voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 14 present
and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 1198. Placed on General File.

(Signed) John Stinner, Chairperson

Judiciary

LEGISLATIVE BILL 1028. Placed on General File with amendment.

AM2525
1 1. Strike the original sections and insert the following new
2 sections:
3 Secion 1. Section 24-1004, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 24-1004 The Supreme Court shall provide by rule for the preservation
6 of all records and of all exhibits offered or received in evidence in the
7 trial of any action. When the records of the district court do not show
8 any unfinished matter pending in the action, a judge of the district
9 court if satisfied they are no longer valuable for any purpose may, upon
10 such notice as the judge may direct, order the destruction, return, or
11 other disposition of such exhibits as the judge deems appropriate when
12 approval is given by the State Records Administrator pursuant to the
13 Records Management Act sections 84-1201 to 84-1220.
14 Sec. 2. Section 24-1005, Reissue Revised Statutes of Nebraska, is
amended to read:
16 24-1005 The clerk of any district court or of any other court of
17 record may maintain microfilm any court record as a preservation
18 duplicate in the manner provided in section 84-1208. The original record
19 may be destroyed only with the approval of the State Records
20 Administrator pursuant to the Records Management Act sections 84-1201 to
21 84-1220. The reproduction of the preservation duplicate microfilm shall
22 be admissible as evidence in any court of record in the State of
23 Nebraska.
24 Sec. 3. Section 25-1301, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:
26 25-1301 (1) A judgment is the final determination of the rights of
27 the parties in an action.
1 2 (2) Rendition of a judgment is the act of the court, or a judge
2 thereof, in signing a single written document stating all matters of the
3 relief granted or denied in an action.
4 (3) The entry of a judgment, decree, or final order occurs when the
5 clerk of the court places the file stamp and date upon the judgment,
6 decree, or final order. For purposes of determining the time for appeal,
7 the date stamped on the judgment, decree, or final order shall be the
8 date of entry.
9 (4) The clerk shall prepare and maintain the records of judgments,
10 decrees, and final orders that are required by statute and rule of the
11 Supreme Court. Whenever any judgment is paid and discharged or when a
12 satisfaction of judgment is filed, the clerk shall enter such fact upon
13 the judgment index.
14 Sec. 4. Section 25-1301.01, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:
16 25-1301.01 Within three working days after the entry of any civil
17 judgment or final order, except judgments by default when service has
18 been obtained by publication or interlocutory orders styled as judgments,
19 the clerk of the court shall send the judgment or final order by United
20 States mail or by service through the court's electronic case management
21 system to each party whose address appears in the records of the action
22 or to the party's attorney or attorneys of record.
23 Sec. 5. Section 25-2804, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 25-2804 (1) Actions in the Small Claims Court shall be commenced by
26 the plaintiff by filing a claim personally, or by mail, or by another
27 method established by Supreme Court rules; the plaintiff on a form
28 provided by the clerk of a county court. The claim form shall be executed
29 by the plaintiff in the presence of a judge, a clerk or deputy or
30 assistant clerk of a county court, or a notary public or other person
31 authorized by law to take acknowledgments. If not filed in person, the
32 claim form and appropriate fee shall be mailed by the plaintiff to the
33 court of proper jurisdiction.
3 (2) At the time of the filing of the claim, the plaintiff shall pay
4 a fee of six dollars and twenty-five cents to the clerk. One dollar and
5 twenty-five cents of such fee shall be remitted to the State Treasurer
6 for credit to the Nebraska Retirement Fund for Judges.
7 (3) Upon filing of a claim in the Small Claims Court, the court
8 shall set a time for hearing and shall cause notice to be served upon the
9 defendant. Notice shall be served not less than five days before the time
10 set for hearing. Notice shall consist of a copy of the complaint and a
11 summons directing the defendant to appear at the time set for hearing and
12 informing the defendant that if he or she fails to appear, judgment will
13 be entered against him or her. Notice shall be served in the manner
14 provided for service of a summons in a civil action. If the notice is to
15 be served by certified mail, the clerk shall provide the plaintiff with
16 written instructions, prepared and provided by the State Court
17 Administrator, regarding the proper procedure for service by certified
mail. The cost of service shall be paid by the plaintiff, but such cost
and filing fee shall be added to any judgment given the plaintiff.
18 (4) The defendant may file a setoff or counterclaim. Any setoff or
19 counterclaim shall be filed and a copy delivered to the plaintiff at
20 least two days prior to the time of trial. If the setoff or counterclaim
21 exceeds the jurisdictional limits of the Small Claims Court as
22 established pursuant to section 25-2802, the court shall cause the entire
23 matter to be transferred to the regular county court docket and set for
24 trial.
25 (5) No prejudgment actions for attachment, garnishment, replevin, or
26 other provisional remedy may be filed in the Small Claims Court.
27 (6) All forms required by this section shall be prescribed by the
28 Supreme Court. The claim form shall provide for the names and addresses
29 of the plaintiff and defendant, a concise statement of the nature,
30 amount, and time and place of accruing of the claim, and an
31 acknowledgment for use by the person in whose presence the claim form is
32 executed and shall also contain a brief explanation of the Small Claims
33 Court procedure and methods of appeal therefrom.
34 (7) For a default judgment rendered by a Small Claims Court (a) the
35 default judgment may be appealed as provided in section 25-2807, (b) if a
36 motion for a new trial, by the procedure provided in sections 25-1142,
37 25-1144, and 25-1144.01, is filed ten days or less after entry of the
38 default judgment, the court may act upon the motion without a hearing, or
39 (c) if more than ten days have passed since the entry of the default
40 judgment, the court may set aside, vacate, or modify the default judgment
41 as provided in section 25-2720.01. Parties may be represented by
42 attorneys for the purpose of filing a motion for a new trial or to set
43 aside, vacate, or modify a default judgment.
44 Sec. 6. Section 29-2702, Reissue Revised Statutes of Nebraska, is
45 amended to read:
46 29-2702 Every judge or clerk of court, upon receiving any money on
47 account of forfeited recognizances, fines, or costs accruing or due to
48 the county or state, shall pay the same to the treasurer of the proper
49 county, except as may be otherwise expressly provided, within thirty (30)
50 days from the time of receiving the same. When any money is paid to a
51 judge or clerk of court on account of costs due to individual persons,
52 the same shall be paid to the persons to whom the same are due upon
53 demand therefor.
54 Sec. 7. Original sections 24-1004, 24-1005, 25-2804, and 29-2702,
55 Reissue Revised Statutes of Nebraska, and sections 25-1301 and
56 25-1301.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Steve Lathrop, Chairperson

Natural Resources

LEGISLATIVE BILL 933. Placed on General File with amendment.
AM2394

1. On page 3, line 16, strike "sixty" and reinstate the stricken
2 matter.

(Signed) Dan Hughes, Chairperson
COMMITTEE REPORT(S)
Judiciary

The Judiciary 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.

Mark T. Langan - Board of Parole


The Judiciary 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.

Anne C. Boatright - Crime Victim's Reparations Committee


(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB808:
AM2675

(Amendments to Standing Committee amendments, AM2559)
1 1. Strike section 82 and insert the following new sections:
2 Sec. 82. Section 81-885.04, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 81-885.04 Except as to the requirements with respect to the
5 subdivision of land, the Nebraska Real Estate License Act shall not apply
6 to:
7 (1) Any person, partnership, limited liability company, or
8 corporation who as owner or lessor shall perform any of the acts
9 described in subdivision (2) of section 81-885.01 with reference to
10 property owned or leased by him, her, or it or to the regular employees
11 thereof, with respect to the property so owned or leased, when such acts
12 are performed in the regular course of or as an incident to the
13 management, sale, or other disposition of such property and the
14 investment therein, except that such regular employees shall not perform
15 any of the acts described in such subdivision in connection with a
16 vocation of selling or leasing any real estate or the improvements
17 thereon;
18 (2) An attorney in fact under a duly executed power of attorney to
19 convey real estate from the owner or lessor or the services rendered by
20 any attorney at law in the performance of his or her duty as such
21 attorney at law;
22 (3) Any person acting as receiver, trustee in bankruptcy, personal
23 representative, conservator, or guardian or while acting under a court
24 order or under the authority of a will or of a trust instrument or as a
25 witness in any judicial proceeding or other proceeding conducted by the
26 state or any governmental subdivision or agency;
1 (4) Any person acting as the resident manager of an apartment
2 building, duplex, apartment complex, or court, when such resident manager
3 resides on the premises and is engaged in the leasing of property in
4 connection with his or her employment, or any employee, parent, child,
5 brother or sister of the owner or any employee of a licensed broker who
6 manages rental property for the owner of such property;
7 (5) Any officer or employee of a federal agency in the conduct of
8 his or her official duties;
9 (6) Any officer or employee of the state government or any political
10 subdivision thereof performing his or her official duties for real estate
11 tax purposes or performing his or her official duties related to the
12 acquisition of any interest in real property when the interest is being
13 acquired for a public purpose;
14 (7) Any person or any employee thereof who renders an estimate or
15 opinion of value of real estate or any interest therein when such
16 estimate or opinion of value is for the purpose of real estate taxation;
17 (8) Any person, for himself or herself or for others, purchases
18 or sells oil, gas, or mineral leases or performs any activities related
19 to the purchase or sale of such leases; or -
20 (9) Any person not required to be licensed under the act who
21 provides a list or lists of potential purchasers to a broker or
22 salesperson or who makes calls or facilitates the initial contact between
23 a potential client or customer as defined in sections 76-2407 and
24 75-2409, respectively, and a broker or salesperson. The unlicensed person
25 may only provide information regarding the broker or salesperson and the
26 broker's or salesperson's services in written information created by the
27 broker or salesperson that identifies the broker or salesperson and the
28 broker's or salesperson's place of business and which is sent by email,
29 United States mail, or by link to a web site created by the broker or
30 salesperson. The unlicensed person is not permitted to discuss with such
31 potential client or customer the services offered or to be offered by the
32 broker or salesperson. The unlicensed person acting under this exemption
33 may not discuss with such potential client or customer the client's or
34 customer's motivation, motivating factors, or price such potential client
35 or customer is willing to offer or accept. The unlicensed person does not
36 have the authority and shall not purport to have the authority to
37 obligate any such potential client or customer to work with a particular
38 broker or salesperson or particular broker's or salesperson's place of
39 business. The unlicensed person shall, at the beginning of any contact
40 with such potential client or customer, identify who the unlicensed
41 person is, the name of the entity that employs the unlicensed person, the
42 name of the broker or salesperson, and the name of the broker's or
43 salesperson's real estate business on whose behalf the contact is being
44 made. The unlicensed person shall not perform any other activity of a
45 broker or salesperson described in section 81-885.01, except those acts
46 specifically provided for in this subdivision.
47 Sec. 83. Section 81-885.24, Revised Statutes Cumulative Supplement, 48 2018, is amended to read:
49 81-885.24 The commission may, upon its own motion, and shall, upon
50 the sworn complaint in writing of any person, investigate the actions of
51 any broker, associate broker, salesperson, or subdivider, may censure the
52 licensee or certificate holder, revoke or suspend any license or
53 certificate issued under the Nebraska Real Estate License Act, or enter
54 into consent orders, and, alone or in combination with such disciplinary
55 actions, may impose a civil fine on a licensee pursuant to section
56 81-885.10, whenever the license or certificate has been obtained by false
57 or fraudulent representation or the licensee or certificate holder has
58 been found guilty of any of the following unfair trade practices:
59 (1) Refusing because of religion, race, color, national origin,
30 ethnic group, sex, familial status, or disability to show, sell, or rent
31 any real estate for sale or rent to prospective purchasers or renters;
1 (2) Intentionally using advertising which is misleading or
2 inaccurate in any material particular or in any way misrepresents any
3 property, terms, values, policies, or services of the business conducted;
4 (3) Failing to account for and remit any money coming into his or
5 her possession belonging to others;
6 (4) Commingling the money or other property of his or her principals
7 with his or her own;
8 (5) Failing to maintain and deposit in a separate trust account all
9 money received by a broker acting in such capacity, or as escrow agent or
10 the temporary custodian of the funds of others, in a real estate
11 transaction unless all parties having an interest in the funds have
12 agreed otherwise in writing;
13 (6) Accepting, giving, or charging any form of undisclosed
14 compensation, consideration, rebate, or direct profit on expenditures
15 made for a principal;
16 (7) Representing or attempting to represent a real estate broker,
17 other than the employer, without the express knowledge and consent of the
18 employer;
19 (8) Accepting any form of compensation or consideration by an
20 associate broker or salesperson from anyone other than his or her
21 employing broker without the consent of his or her employing broker;
22 (9) Acting in the dual capacity of agent and undisclosed principal
23 in any transaction;
24 (10) Guaranteeing or authorizing any person to guarantee future
25 profits which may result from the resale of real property;
26 (11) Placing a sign on any property offering it for sale or rent
27 without the written consent of the owner or his or her authorized agent;
28 (12) Offering real estate for sale or lease without the knowledge
29 and consent of the owner or his or her authorized agent or on terms other
30 than those authorized by the owner or his or her authorized agent;
31 (13) Inducing any party to a contract of sale or lease to break such
32 contract for the purpose of substituting, in lieu thereof, a new contract
33 with another principal;
3 (14) Negotiating a sale, exchange, listing, or lease of real estate
4 directly with an owner or lessor if he or she knows that such owner has a
5 written outstanding listing contract in connection with such property
6 granting an exclusive agency or an exclusive right to sell to another
7 broker or negotiating directly with an owner to withdraw from or break
8 such a listing contract for the purpose of substituting, in lieu thereof,
9 a new listing contract;
10 (15) Discussing or soliciting a discussion of, with an owner of a
11 property which is exclusively listed with another broker, the terms upon
12 which the broker would accept a future listing upon the expiration of the
13 present listing unless the owner initiates the discussion;
14 (16) Violating any provision of sections 76-2401 to 76-2430;
15 (17) Soliciting, selling, or offering for sale real estate by
16 offering free lots or conducting lotteries for the purpose of influencing
17 a purchaser or prospective purchaser of real estate;
18 (18) Providing any form of compensation or consideration to any
19 person for performing the services of a broker, associate broker, or
20 salesperson who has not first secured his or her license under the
21 Nebraska Real Estate License Act unless such person is (a) a nonresident
22 who is licensed in his or her resident regulatory jurisdiction or (b) a
23 citizen and resident of a foreign country which does not license persons
24 conducting the activities of a broker and such person provides reasonable
25 written evidence to the Nebraska broker that he or she is a resident
26 citizen of that foreign country, is not a resident of this country, and
27 conducts the activities of a broker in that foreign country;
(19) Failing to include a fixed date of expiration in any written
listing agreement and failing to leave a copy of the agreement with the
principal;
(20) Failing to deliver within a reasonable time a completed and
dated copy of any purchase agreement or offer to buy or sell real estate
to the purchaser and to the seller;
(21) Failing by a broker to deliver to the seller in every real
estate transaction, at the time the transaction is consummated, a
complete, detailed closing statement showing all of the receipts and
disbursements handled by such broker for the seller, failing to deliver
to the buyer a complete statement showing all money received in the
transaction from such buyer and how and for what the same was disbursed,
and failing to retain true copies of such statements in his or her files;
(22) Making any substantial misrepresentations;
(23) Acting for more than one party in a transaction without the
knowledge of all parties for whom he or she acts;
(24) Failing by an associate broker or salesperson to place, as soon
after receipt as practicable, in the custody of his or her employing
broker any deposit money or other money or funds entrusted to him or her
by any person dealing with him or her as the representative of his or her
licensed broker;
(25) Filing a listing contract or any document or instrument
purporting to create a lien based on a listing contract for the purpose
of casting a cloud upon the title to real estate when no valid claim
under the listing contract exists;
(26) Violating any rule or regulation adopted and promulgated by the
commission in the interest of the public and consistent with the Nebraska
Real Estate License Act;
(27) Failing by a subdivider, after the original certificate has
been issued, to comply with all of the requirements of the Nebraska Real
Estate License Act;
(28) Conviction of a felony or entering a plea of guilty or nolo
contendere to a felony charge by a broker or salesperson;
(29) Demonstrating negligence, incompetency, or unworthiness to act
as a broker, associate broker, or salesperson, whether of the same or of
different character as otherwise specified in this section;
(30) Inducing or attempting to induce a person to transfer an
interest in real property, whether or not for monetary gain, or
in encouraging another person from purchasing real property, by
representing that (a) a change has occurred or will or may occur in the
composition with respect to religion, race, color, national origin,
ethnic group, sex, familial status, or disability of the owners or
occupants in the block, neighborhood, or area or (b) such change will or
may result in the lowering of property values, an increase in criminal or
antisocial behavior, or a decline in the quality of schools in the block,
neighborhood, or area;
(31) Failing by a team leader to provide a current list of all team
members to his or her designated broker;
(32) Failing by a designated broker to maintain a record of all team
leaders and team members working under him or her;
(33) Utilizing advertising which does not prominently display the
name under which the designated broker does business as filed with the
commission;
(34) Utilizing team advertising or a team name suggesting the team
is an independent real estate brokerage.
(35) Charging or collecting, as part or all of his or her
compensation or consideration, any part of the earnest money or other
money paid to him or her or the entity under which he or she does
business in connection with any real estate transaction until the
transaction has been consummated or terminated. However, a payment for
26 goods or services rendered by a third party on behalf of the client shall not be considered compensation or consideration if such payment does not include any profit, compensation, or payment for services rendered by the broker and the broker retains a record of the payment to the third party for such goods or services.

31 (36) Failing to provide a copy of section 81-885.04 or written instructions explaining the provisions of the exemption from licensure as set forth in subdivision (9) of section 81-885.04 to any unlicensed person who assists in procuring a potential client or customer as defined in sections 76-2407 and 76-2409, respectively, for the purpose of listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate.

7 2. On page 93, line 5, strike "and 85" and insert "83, and 86"; and 8 in line 12 strike "and" and insert a comma, and after the last comma insert "and 81-885.24."

10 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525

Wednesday, April 8, 2020 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

BILL ON FIRST READING

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

LEGISLATIVE BILL 329A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 329, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR325 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR325.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 288. Read. Considered.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:
MO159
Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Slama moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Slama requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 43:

Albrecht  DeBoer  Hilgers  Linehan  Slama
Arch    Dorn    Hilkemann  Lowe    Stinner
Blood   Friesen Howard  McCollister  Vargas
Bolz    Geist    Hughes  McDonnell  Walz
Bostelman  Gragert  Hunt  Moser     Wayne
Brandt  Groene  Kolterman  Murman  Williams
Brewer  Halloran  La Grone  Pansing Brooks  Wishart
Briese  Hansen, B.  Lathrop  Quick
Crawford  Hansen, M.  Lindstrom  Scheer

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cavanaugh  Kolowski  Morfeld

Excused and not voting, 2:

Clements  Erdman

LR288 was adopted with 43 ayes, 1 nay, 3 present and not voting, and 2 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 865A. 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 865, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 805A. 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 805, One Hundred Sixth Legislature, Second Session, 2020.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 881. Placed on General File with amendment. AM2628 is available in the Bill Room.

LEGISLATIVE BILL 912. Placed on General File with amendment. AM2620 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Natural Resources

LEGISLATIVE BILL 861. Placed on General File with amendment. AM2672

1 1. Strike original section 3.
2 2. On page 2, line 3, strike "sections 3 and 4" and insert "section 3";
3 3; in line 9 strike "sections" and insert "section"; in line 10 strike "and 4";
4 in line 15 after the second comma insert "can, pouch,"; and in
5 line 16 strike "either" and after "reusable" insert ", recyclable, ".
6 3. On page 3, lines 12 and 30, strike "consumer merchandise and";
7 and in line 29 after the second comma insert "prohibitions, ".
8 4. On page 4, line 1, after "programs" insert ", except that in no
9 event shall such programs prohibit or have the effect of prohibiting the
10 sale, use, or marketing of any containers".
11 5. Renumber the remaining sections accordingly.

(Signed) Dan Hughes, Chairperson

Judiciary

LEGISLATIVE BILL 1148. Placed on General File with amendment. AM2637 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson
AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB1042:
AM2685
(Amendments to AM2592)
1 1. On page 10, line 13, after "institution" insert ", but shall not
2 be used to pay expenses associated with attending kindergarten through
3 grade twelve."
4 2. On page 14, line 24, after the period insert "Such contributions
5 shall not be used to pay expenses associated with attending kindergarten
6 through grade twelve."

Senator Friesen filed the following amendment to LB944:
AM2612 is available in the Bill Room.

Senator Groene filed the following amendment to LB1131:
AM2671
(Amendments to Standing Committee amendments, AM2456)
1 1. On page 38, line 24, after the period insert "A provider shall
2 not provide paper records or charge a copying fee when a request is made
3 to receive records in an electronic format and the provider has access to
4 such records in an easily transferable electronic format at the time of
5 the request."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1155.

VISITOR(S)

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhauer, from
Sterling; students from Lincoln High School; a group from Americans for
Prosperity from across the state; a group from the Black and Brown Youth
Advocates and the Urban League of Nebraska Young Professionals; and
students and teacher from Norfolk.

The Doctor of the Day was Dr. John Jacobsen from Kearney.

ADJOURNMENT

At 12:10 p.m., on a motion by Senator McCollister, the Legislature
adjourned until 9:00 a.m., Tuesday, March 3, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-THIRD DAY - MARCH 3, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 2020

PRAYER

The prayer was offered by Pastor Jason Dowell, Freedom Baptist Church, Stamford.

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 M. Hansen, Pansing Brooks, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 1131. Title read. Considered.

Committee AM2456, found on page 689, was offered.

Senator Crawford offered her amendment, AM2638, found on page 750, to the committee amendment.

The Crawford amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Groene withdrew his amendment, AM2671, found on page 786.
Senator Chambers offered the following amendment to the committee amendment:

FA104
In line 20 after "Holocaust" put a comma; in line 21 strike "and"; after "genocide" strike the period and put a comma; add "slavery, lynching, and racial massacres in America."

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.

Candice Arteaga - Commission for the Deaf and Hard of Hearing
Robert J. Feit - Commission for the Deaf and Hard of Hearing
Jonathan Scherling - Commission for the Deaf and Hard of Hearing

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 appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Allen Christopher Greene - Nebraska Rural Health Advisory Commission

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 1124.** Placed on General File.

**LEGISLATIVE BILL 1185.** Placed on General File with amendment.

AM2668
1. Strike original section 3 and insert the following new sections:
2 Sec. 3. Section 71-1912, Revised Statutes Supplement, 2019, is
3 amended to read:
4 71-1912 (1) Before issuance of a license, the department shall
5 investigate or cause an investigation to be made, when it deems
6 necessary, to determine if the applicant or person in charge of the
7 program meets or is capable of meeting the physical well-being, safety,
8 and protection standards and the other rules and regulations of the
9 department adopted and promulgated under the Child Care Licensing Act.
10 The department may investigate the character of applicants and licensees,
any member of the applicant's or licensee's household, and the staff and
employees of programs. The department may at any time inspect or cause an
inspection to be made of any place where a program is operating to
determine if such program is being properly conducted.
(2) All inspections by the department shall be unannounced except
for initial licensure visits and consultation visits. Initial licensure
visits are announced visits necessary for a provisional license to be
issued to a family child care home I, family child care home II, child
care center, or school-age-only or preschool program. Consultation visits
shall be announced visits made at the request of a licensee for the purpose of
consulting with a department specialist on ways of improving the program.
(3) An unannounced inspection of any place where a program is
operating shall be conducted by the department or the city, village, or
county pursuant to subsection (2) of section 71-1914 at least annually
for a program licensed to provide child care for fewer than thirty
children and at least twice every year for a program licensed to provide
child care for thirty or more children.
(4) Whenever an inspection is made, the findings shall be recorded
in a report designated by the department. The public shall have access to
the results of these inspections upon a written or oral request to the
department. The request must include the name and address of the program.
Additional unannounced inspections shall be performed as often as is
necessary for the efficient and effective enforcement of the Child Care
 Licensing Act.
(5)(a) A person applying for a license as a child care provider or a
licensed child care provider under the Child Care Licensing Act shall
submit a request for a national criminal history record information check
for each child care staff member, including a prospective child care
staff member of the child care provider, at the applicant's or licensee's
expense, as set forth in this section. Beginning on October 1, 2019, a
prospective child care staff member shall submit to a national criminal
history record information check (i) prior to employment, except as
otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on
January 1, 2019, or (ii) prior to residing in a family child care home. A
child care staff member who was employed by a child care provider prior
to October 1, 2019, or who resided in a family child care home prior to
October 1, 2019, shall submit to a national criminal history record
information check by October 1, 2021, unless the child care staff member
ces to be a child care staff member prior to such date.
(b) A child care staff member shall be required to undergo a
national criminal history record information check not less than once
during each five-year period. A child care staff member shall submit a
complete set of his or her fingerprints to the Nebraska State Patrol. The
Nebraska State Patrol shall transmit a copy of the child care staff
member's fingerprints to the Federal Bureau of Investigation for a
national criminal history record information check. The national criminal
history record information check shall include information concerning
child care staff members from federal repositories of such information
and repositories of such information in other states, if authorized by
federal law for use by the Nebraska State Patrol. The Nebraska State
Patrol shall issue a report to the department that includes the
information collected from the national criminal history record
information check concerning child care staff members. The department
shall seek federal funds, if available, to assist child care providers
and child care staff members with the costs of the fingerprinting and
national criminal history record information check. If the department
does not receive sufficient federal funds to assist child care providers
and staff members with such costs, then the child care staff member
being screened, applicant for a license, or licensee shall pay the actual
cost of the fingerprinting and national criminal history record
13 information check, except that the department may pay all or part of the
14 cost if funding becomes available. The department and the Nebraska State
15 Patrol may adopt and promulgate rules and regulations concerning the
16 costs associated with the fingerprinting and the national criminal
17 history record information check. The department may adopt and promulgate
18 rules and regulations implementing national criminal history record
19 information check requirements for child care providers and child care
20 staff members.
21 (c) A child care staff member shall also submit to the following
22 background checks at his or her expense not less than once during each
23 five-year period:
24 (i) A search of the National Crime Information Center's National Sex
25 Offender Registry; and
26 (ii) A search of the following registries, repositories, or data
27 bases in the state where the child care provider is located or where the
28 child care staff member resides and each state where the child care
29 provider was located or where the child care staff member resided during
30 the preceding five years:
31 (A) State criminal registries or repositories;
32 (B) State sex offender registries or repositories; and
33 (C) State-based child abuse and neglect registries and data bases.
34 (d) Any individual shall be ineligible for employment by a child
35 care provider if such individual:
36 (i) Refuses to consent to the national criminal history record
37 information check or a background check described in this subsection;
38 (ii) Knowingly makes a materially false statement in connection with
39 the national criminal history record information check or a background
40 check described in this subsection;
41 (iii) Is registered, or required to be registered, on a state sex
42 offender registry or repository or the National Sex Offender Registry; or
43 (iv) Has been convicted of a crime of violence, a crime of moral
44 turpitude, or a crime of dishonesty.
45 (e) The department may adopt and promulgate rules and regulations
46 for purposes of this section prohibiting the employment of any child care
47 staff member with one or more criminal convictions or the department
48 deems necessary to protect the health and safety of children receiving
49 child care.
50 (f) A child care provider shall be ineligible for a license under
51 the Child Care Licensing Act and shall be ineligible to participate in
52 the child care subsidy program if the provider employs a child care staff
53 member who is ineligible for employment under subdivisions (d) or (c) of
54 this subsection.
55 (g) National criminal history record information and information
56 from background checks described in this subsection subject to state or
57 federal confidentiality requirements may only be used for purposes of
58 granting a child care license or approving a child care provider for
59 participation in the child care subsidy program.
60 (h) For purposes of this subsection:
61 (i) Child care staff member means a child care program required to be
62 licensed under the Child Care Licensing Act; and
63 (ii) Child care staff member means an individual who is not related
64 to all of the children for whom child care services are provided and:
65 (A) Who is employed by a child care provider for compensation,
66 including contract employees or self-employed individuals;
67 (B) Whose activities involve the care or supervision of children for
68 a child care provider or unsupervised access to children who are cared
69 for or supervised by a child care provider; or
70 (C) Who is residing in a family child care home and who is eighteen
71 years of age or older.
72 Sec. 5. Section 71-1928.01, Revised Statutes Supplement, 2019, is
11 amended to read:
12 71-1928.01 (1) Any individual eighteen years of age or older working
13 in a residential child-caring agency shall be required to undergo a
14 national criminal history record information check not less than once
15 during each five-year period that he or she is working in such an agency.
16 The individual shall submit a complete set of his or her fingerprints to
17 the Nebraska State Patrol. The Nebraska State Patrol shall transmit a
18 copy of the individual's fingerprints to the Federal Bureau of
19 Investigation for a national criminal history record information check.
20 The national criminal history record information check shall include
21 information concerning the individual from federal repositories of such
22 information and repositories of such information in other states, if
23 authorized by federal law for use by the Nebraska State Patrol. The
24 Nebraska State Patrol shall issue a report to the department that
25 includes the information collected from the national criminal history
26 record information check concerning the individual. The department shall
27 seek federal funds, if available, to assist residential child-caring
28 agencies and individuals working in a residential child-caring agency
29 with the costs of the fingerprinting and national criminal history record
30 information check. If the department does not receive sufficient federal
31 funds to assist residential child-caring agencies and individuals working
1 in a residential child-caring agency with such costs, then the
2 individual being screened or the residential child-caring agency shall
3 pay the actual cost of the fingerprinting and national criminal history
4 record information check, except that the department may pay all or part
5 of the cost if funding becomes available. The department and the Nebraska
6 State Patrol may adopt and promulgate rules and regulations concerning
7 the costs associated with the fingerprinting and the national criminal
8 history record information check. The department may adopt and promulgate
9 rules and regulations implementing national criminal history record
10 information check requirements for residential child-caring agencies.
11 (2) An individual eighteen years of age or older working in a
12 residential child-caring agency shall also submit to the following
13 background checks not less than once during each five-year period: A
14 search of the following registries, repositories, or data bases in the
15 state where the individual resides and each state where the individual
16 resided during the preceding five years:
17 (a) State criminal registries or repositories;
18 (b) State sex offender registries or repositories; and
19 (c) State-based child abuse and neglect registries and data bases.
20 2. On page 9, line 31, strike "and 71-1912" and insert "71-1912, and
21 71-1928.01".
22 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

General Affairs

LEGISLATIVE BILL 1056. Placed on General File with amendment.
AM2595 is available in the Bill Room.

(Signed) Tom Briese, Chairperson
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, SECOND SESSION:
1. That the Legislature recognizes March 2020 as MS Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Multiple Sclerosis Society - Mid America Chapter.

Laid over.

LEGISLATIVE RESOLUTION 330. 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 prevent problems that result from unrestrained gambling.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes March 2020 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 780A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, section 213; to appropriate funds to aid in carrying out the provisions of Legislative Bill 780, One Hundred Sixth Legislature, Second Session, 2020; to change appropriations as prescribed; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 1131. The Chambers amendment, FA104, found in this day's Journal, to the committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 34:
The Chambers amendment was adopted with 34 ayes, 3 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 326 and 327 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 288, 326, and 327.

GENERAL FILE

LEGISLATIVE BILL 1131. Senator Groene offered the following amendment to the committee amendment:

FA105
Amend AM2456
On pg. 57, strike lines 15-22.

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

SPEAKER SCHEER PRESIDING
Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Albrecht  Clements  Friesen  Halloran  Murman
Brewer    Erdman    Groene  Hansen, B.  Scheer

Voting in the negative, 10:

Blood  Chambers  Kolowski  Morfeld  Wayne
Cavanaugh  Hunt  La Grone  Pansing Brooks  Wishart

Present and not voting, 27:

Arch  DeBoer  Howard  McCollister  Vargas
Bolz    Dorn    Hughes  McDonnell  Walz
Bostelman  Geist  Kolterman  Moser  Williams
Brandt  Gragert  Lathrop  Quick
Briese  Hilgers  Lindstrom  Slama
Crawford  Hilkemann  Lowe  Stinner

Absent and not voting, 1:

Hansen, M.

Excused and not voting, 1:

Linehan

The Groene amendment lost with 10 ayes, 10 nays, 27 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Committee AM2456, found on page 689 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 38 ayes, 1 nay, 7 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.

LEGISLATIVE BILL 931. Title read. Considered.

Committee AM2128, found on page 725, 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 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1110. Placed on General File.
LEGISLATIVE BILL 1121. Placed on General File.
LEGISLATIVE BILL 1122. Placed on General File.

LEGISLATIVE BILL 752. Placed on General File with amendment.

AM2727
1. Strike the original sections and insert the following new section:
3 Section 1. The Department of Health and Human Services and Department of Veterans' Affairs shall work jointly to encourage service providers in their respective departments and in other state and local agencies and departments to ask the question "Have you or a family member ever served in the military?". The question should be included in intake forms and interviews where appropriate, including, but not limited to, at hospitals, mental health care centers, senior centers, employment offices, courts, and schools and in encounters with law enforcement.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB1148:

AM2666

(Amendments to AM2637)
1. Insert the following new section:
2. Sec. 1. Section 43-2,108.01, Revised Statutes Supplement, 2019, is amended to read:
4 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to persons who were under the age of eighteen years when the offense took place and, after being taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation, the county attorney or city attorney:
9 (a) Declined to file a juvenile petition or criminal complaint;
10 (b) Offered juvenile pretrial diversion, mediation, or restorative justice to the juvenile under the Nebraska Juvenile Code;
12 (c) Filed a juvenile court petition describing the juvenile as a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 14 43-247;
15 (d) Filed a criminal complaint in county court against the juvenile under state statute or city or village ordinance for misdemeanor or infraction possession of marijuana or misdemeanor or infraction possession of drug paraphernalia;
19 (e) Filed a criminal complaint in county court against the juvenile for any other misdemeanor or infraction under state statute or city or village ordinance, other than for a traffic offense, when all offenses in the case are waiveable offenses; or
23 (f) Filed a criminal complaint in county or district court for a felony offense under state law or a city or village ordinance that was subsequently transferred to juvenile court for ongoing jurisdiction.
26 (2) The changes made by Laws 2019, LB354, to the relief set forth in
1 sections 43-2,108.03 to 43-2,108.05 shall apply to all persons described
2 in this section, as amended by Laws 2019, LB354, and this legislative
3 bill, for offenses occurring prior to, on, or after September 1, 2019.
4 2. On page 2, lines 7 and 19; and page 4, lines 26 and 27; strike
5 "federal or state law" and insert "state law; federal law; federal
6 regulation, or applicable federal program provisions".
7 3. On page 25, line 31; and page 26, line 12; after "Center-Geneva"
8 insert "or another facility being used as a youth rehabilitation and
9 treatment center and operating pursuant to state law".
10 4. On page 34, line 31; strike "section 43-286" and insert "sections
11 43-286 and 43-2,108.01".
12 5. Renumber the remaining sections accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 344. Placed on Select File with amendment.
ER181
1 1. In the Standing Committee amendments, AM2486:
2 a. On page 4, strike lines 14 and 15 and insert "of any animals,
3 affected animals, or suspected affected animals or any premises, affected
4 premises, or suspected affected premises;";
5 b. On page 5, line 8, strike "Protection" and insert "Inspection";
6 and in line 15 strike "Agriculture" and insert "agriculture";
7 c. On page 9, line 22, after the second comma insert "or";
8 d. On page 11, line 5, strike "manager" and insert "managers"; and
9 in line 9 strike "landowner or land manager" and insert "landowners or
10 land managers";
11 e. On page 13, line 14, strike "anthrax infected" and insert
12 "anthrax-infected", in line 25 strike "direct" and insert "directly"; in
13 lines 25, 27, and 29 strike "part", and in line 26 strike "slaughter" and
14 insert "slaughtering";
15 f. On page 14, line 30, strike "regulation" and insert
16 "regulations";
17 g. On page 16, lines 9 and 15, strike the semicolon and insert an
18 underscored period; in line 18, strike "; and" and insert an underscored
19 period; in line 23 strike "is" and insert "are";
20 h. On page 20, line 4, after the second comma insert "or" and strike
21 the third comma; in line 26 after "or" insert "a"; and in Line 27 strike
22 "or" and insert an underscored comma; and
23 i. On page 21, line 15, after "Animal" insert "Health".
24 2. On page 1, line 4, after the fourth comma insert "54-7,105,".
25 3. On page 2, line 3, strike "54-744.01,"; in line 4 after the first
26 comma insert "54-753.01, 54-753.04,"; and in line 30 strike beginning
27 with "and" through "54-703," and insert "sections 54-701.03,".
28 4. On page 3, line 1, after "2018" insert ", and sections 54-703 and
29 54-744.01, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 870. Placed on Select File.

LEGISLATIVE BILL 963. Placed on Select File with amendment.
ER179
1 1. On page 1, line 9, strike "provide and eliminate definitions" and
2 insert "define and redefine terms".

LEGISLATIVE BILL 963A. Placed on Select File.
LEGISLATIVE BILL 840. Placed on Select File with amendment.

ER180
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 71-5716, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 71-5716 Sections 71-5716 to 71-5735 and sections 4 and 5 of this act
6 shall be known and may be cited as the Nebraska Clean Indoor Air Act.
7 Sec. 2. Section 71-5717, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
10 protect the public health and welfare by prohibiting smoking in public
11 places and places of employment with limited exceptions for guestrooms
12 and suites, research, tobacco retail outlets, electronic smoking device
13 retail outlets, and cigar shops. The limited exceptions permit smoking in
14 public places where the public would reasonably expect to find persons
15 smoking, including guestrooms and suites which are subject to
16 expectations of privacy like private residences, institutions engaged in
17 research related to smoking, and tobacco retail outlets, electronic
18 smoking device retail outlets, and cigar shops which provide the public
19 legal retail outlets to sample, use, and purchase tobacco products as
20 products related to smoking. The act shall not be construed to prohibit
21 or otherwise restrict smoking in outdoor areas. The act shall not be
22 construed to permit smoking where it is prohibited or otherwise
23 restricted by other applicable law, ordinance, or resolution. The act
24 shall be liberally construed to further its purpose.
25 Sec. 3. Section 71-5718, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
28 definitions found in sections 71-5719 to 71-5728 and sections 4 and 5 of
29 this act apply:
30 Sec. 4. Electronic smoking device means an electronic nicotine
31 delivery system as defined in section 28-1418.01. The term includes any
32 such device regardless of whether it is manufactured, distributed,
33 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape
34 pen or under any other product name or descriptor.
35 Sec. 5. Electronic smoking device retail outlet means a store that
36 is licensed as provided under sections 28-1421 and 28-1422, that sells
37 only electronic smoking devices and products directly related to
38 electronic smoking devices, and that does not allow a person under the
39 age of twenty-one years to enter such store. Products directly related to
40 electronic smoking devices do not include alcohol, coffee, soft drinks,
41 candy, groceries, or gasoline.
42 Sec. 6. Section 71-5727, Reissue Revised Statutes of Nebraska, is
43 amended to read:
44 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
45 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
46 other lighted or heated tobacco or plant product intended for inhalation,
47 whether natural or synthetic, in any manner or in any form. The term
48 includes the use of an electronic smoking device which creates an aerosol
49 or vapor, in any manner or in any form the lighting of any cigarette,
50 cigar, pipe, or other smoking material or the possession of any lighted
51 cigarette, cigar, pipe, or other smoking material, regardless of its
52 composition.
53 Sec. 7. Section 71-5730, Reissue Revised Statutes of Nebraska, is
54 amended to read:
55 71-5730 (1) The following indoor areas are exempt from section
56 71-5729:
57 (a) Guestrooms and suites that are rented to guests and that are
58 designated as smoking rooms, except that not more than twenty percent of
1 rooms rented to guests in an establishment may be designated as smoking
2 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
3 from such rooms shall not infiltrate into areas where smoking is
4 prohibited under the Nebraska Clean Indoor Air Act;
5 (b) Indoor areas used in connection with a research study on the
6 health effects of smoking conducted in a scientific or analytical
7 laboratory under state or federal law or at a college or university
8 approved by the Coordinating Commission for Postsecondary Education;
9 (e) Tobacco retail outlets; and
10 (d) Cigar shops as defined in section 53-103.08.
11 (2) Electronic smoking device retail outlets are exempt from section
12 71-3729 as it relates to the use of electronic smoking devices only.
13 (3)(a) The Legislature finds that allowing smoking in tobacco
14 retail outlets as a limited exception to the Nebraska Clean Indoor Air
15 Act does not interfere with the original intent that the general public
16 and employees not be unwillingly subjected to second-hand smoke since the
17 general public does not frequent tobacco retail outlets and should
18 reasonably expect that there would be second-hand smoke in tobacco retail
19 outlets and could choose to avoid such exposure. The products that
20 tobacco retail outlets sell are legal for customers who meet the age
21 requirement. Customers should be able to try them within the tobacco
22 retail outlet, especially given the way that tobacco customization may
23 occur in how tobacco is blended and cigars are produced. The Legislature
24 finds that exposure to second-hand smoke is inherent in the selling and
25 sampling of cigars and pipe tobacco and that this exposure is
26 inextricably connected to the nature of selling this legal product,
27 similar to other inherent hazards in other professions and employment.
28 (b) It is the intent of the Legislature to allow cigar and pipe
29 smoking in tobacco retail outlets that meet specific statutory criteria
30 not inconsistent with the fundamental nature of the business. This
31 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
1 accordance with the intent of the act to protect public places and places
2 of employment.
3 (4)(a) The Legislature finds that allowing smoking in cigar
4 shops as a limited exception to the Nebraska Clean Indoor Air Act does
5 not interfere with the original intent that the general public and
6 employees not be unwillingly subjected to second-hand smoke. This
7 exception poses a de minimis restriction on the public and employees
8 given the limited number of cigar shops compared to other businesses that
9 sell alcohol, cigars, and pipe tobacco, and any member of the public
10 should reasonably expect that there would be second-hand smoke in a cigar
11 shop given the nature of the business and could choose to avoid such
12 exposure.
13 (b) The Legislature finds that (i) cigars and pipe tobacco have
14 different characteristics than other forms of tobacco such as cigarettes,
15 (ii) cigars are customarily paired with various spirits such as cognac,
16 single malt whiskey, bourbon, rum, rye, port, and others, and (iii)
17 unlike cigarette smokers, cigar and pipe smokers may take an hour or
18 longer to enjoy a cigar or pipe while cigarettes simply serve as a
19 mechanism for delivering nicotine. Cigars paired with selected liquor
20 create a synergy unique to the particular pairing similar to wine paired
21 with particular foods. Cigars are a pure, natural product wrapped in a
22 tobacco leaf that is typically not inhaled in order to enjoy the taste of
23 the smoke, unlike cigarettes that tend to be processed with additives and
24 wrapped in paper and are inhaled. Cigars have a different taste and smell
25 than cigarettes due to the fermentation process cigars go through during
26 production. Cigars tend to cost considerably more than cigarettes, and
27 their quality and characteristics vary depending on the type of tobacco
28 plant, the geography and climate where the tobacco was grown, and the
29 overall quality of the manufacturing process. Not only does the
30 customized blending of the tobacco influence the smoking experience, so
31 does the freshness of the cigars, which is dependent on how the cigars
1 were stored and displayed. These variables are similar to fine wines,
2 which can also be very expensive to purchase. It is all of these
3 variables that warrant a customer wanting to sample the product before
4 making such a substantial purchase.
5 (c) The Legislature finds that exposure to second-hand smoke is
6 inherent in the selling and sampling of cigars and pipe tobacco and that
7 this exposure is inextricably connected to the nature of selling this
8 legal product, similar to other inherent hazards in other professions and
9 employment.
10 (d) It is the intent of the Legislature to allow cigar and pipe
11 smoking in cigar shops that meet specific statutory criteria not
12 inconsistent with the fundamental nature of the business. This exception
13 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
14 with the intent of the act to protect public places and places of
15 employment.
16 Sec. 8. Section 71-5735, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 71-5735 (i) The owner of a tobacco retail outlet shall post a sign
19 on all entrances to the tobacco retail outlet, on the outside of each
20 door, in a conspicuous location slightly above or next to the door, with
21 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
22 THIS BUSINESS. SMOKING OF CIGARETTES AND ELECTRONIC SMOKING DEVICES IS
23 NOT ALLOWED.
24 (2) Beginning November 1, 2015, the owner shall provide to the
25 Division of Public Health a copy of a waiver signed prior to employment
26 by each employee on a form prescribed by the division. The waiver shall
27 expressly notify the employee that he or she will be exposed to second-
28 hand smoke, and the employee shall acknowledge that he or she understands
29 the risks of exposure to second-hand smoke.
30 (3) The owner shall not allow cigarette smoking or the use of an
31 electronic smoking device in the tobacco retail outlet.
32 1 Sec. 9. Original sections 71-5716, 71-5717, 71-5718, 71-5727,
33 71-5730, and 71-5735, Reissue Revised Statutes of Nebraska, are repealed.
34 2. On page 1, strike lines 2 through 5 and insert "sections 71-5716,
35 71-5717, 71-5718, 71-5727, 71-5730, and 71-5735, Reissue Revised Statutes
36 of Nebraska; to exempt electronic smoking device retail outlets; to
37 define and redefine terms; to prohibit the use of electronic smoking
38 devices as prescribed; to harmonize provisions; and to repeal the
39 original sections."

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB848.
Senator M. Hansen name added to LB911.
Senator M. Hansen name added to LB963.
Senator Hunt name added to LB1001.
Senator M. Hansen name added to LB1155.
VISITOR(S)

Visitors to the Chamber were students from Hartington-Newcastle, Hartington; Leonard, Larry, and Lu Ann Mozer from Lincoln; students from Linden Elementary, Fremont; and students from Diller-Odell Elementary, Diller.

RECESS

At 11:52 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., Senator Hilgers presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Groene, Hughes, McCollister, Morfeld, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

SPEAKER SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 461. Title read. Considered.

Committee AM2205, found on page 548, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM2716 is available in the Bill Room.

The Friesen amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Senator Friesen offered the following amendment to the committee amendment:

AM2730 (Amendments to the Friesen amendment, AM2716)

1 1. On page 14, line 5, after "the" insert "principal place of"
2 business of the applicant in the State of Nebraska is identified and
3 "the"
4 2. On page 15, line 10, after the first "the" insert "principal"
5 place of business of the applicant in the State of Nebraska is identified
6 and the".

The Friesen amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.
The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 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 1042.** Title read. Considered.

Committee AM2181, found on page 693, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Morfeld offered his amendment, AM2592, found on page 750.

Senator Pansing Brooks offered her amendment, AM2685, found on page 786, to the Morfeld amendment.

The Pansing Brooks amendment was adopted with 36 ayes, 1 nay, and 12 present and not voting.

The Morfeld amendment, as amended, 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 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1042A.** 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 803.** 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 803A.** 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 43.** Title read. Considered.

Committee AM2037, found on page 557, was offered.
Senator Albrecht offered the following amendment to the committee amendment:

FA107
Amend AM2037
Pg. 4, line 2 strike gender and insert sex.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Senator Albrecht moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Albrecht requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Albrecht  Briese  Groene  Hughes  Murman
Arch  Clements  Halloran  Lowe
Bostelman  Erdman  Hansen, B.  McDonnell
Brewer  Gragert  Hilgers  Moser

Voting in the negative, 22:

Blood  DeBoer  Lathrop  Scheer  Williams
Bolz  Hansen, M.  McCollister  Stinner  Wishart
Cavanaugh  Howard  Morfeld  Vargas
Chambers  Hunt  Pansing Brooks  Walz
Crawford  Kolowski  Quick  Wayne

Present and not voting, 9:

Brandt  Friesen  Hilkemann  La Grone  Slama
Dorn  Geist  Kolterman  Lindstrom

Excused and not voting, 1:

Linehan

The Albrecht amendment lost with 17 ayes, 22 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 41 ayes, 1 nay, and 7 present 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.
**LEGISLATIVE BILL 755.** Title read. Considered.

Committee AM2480, found on page 747, 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 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 899.** Title read. Considered.

Committee AM2487, found on page 691, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Pending.

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

Senator Lindstrom filed the following amendment to LB1155: AM2691 is available in the Bill Room.

Senator Quick filed the following amendment to LB424: AM2686

(Amendments to AM2122)

1 1. On page 2, after line 3 insert the following new subdivision:
2 2."(3) Immediate family has the same meaning as in section 49-1425;";
3 3 in line 4 strike "(3)" and insert "(4)"; in line 6 strike "(4)" and
4 insert "(5)"; and in line 10 strike "(5)" and insert "(6)"
5 2. On page 7, line 8, strike "14.".
6 3. On page 10, line 22, after "Act" insert ", except that a land
7 bank shall not issue any bonds on or after the effective date of this
8 act.".
9 4. On page 11, line 14, after "money" insert ", except that a land
10 bank shall not invest its money in any instrument, obligation, security,
11 or property that is owned by a member of the board or an employee of the
12 land bank, by a board member's or an employee's immediate family, or by a
13 business or entity in which a board member or an employee has an
14 ownership interest".
15 5. On page 16, line 11, strike "A", show as stricken, and insert
16 "Subject to subsection (7) of this section, a
17 6. On page 17, after line 19 insert the following new subsection:
18 "(7) A land bank shall not issue any bonds on or after the effective
19 date of this act.".
20 7. On page 18, strike beginning with "by" in line 8 through line 10,
21 show as stricken, and insert "in accordance with this section. For a land
22 bank created pursuant to subsection (1) of section 4 of this act, the
23 resolution of dissolution must be approved by two-thirds of the members
24 of the governing body of the municipality that created the land bank. For
25 a land bank created pursuant to subsection (2) or (3) of section 4 of
26 this act, the resolution of dissolution must be approved by a majority of
27 the members of the governing body of each municipality that created the
28 land bank. A governing body"; and in line 27 after the period insert "No
29 member of the board or employee of a land bank shall have any interest
30 direct or indirect, in any investment of the land bank. The restrictions
31 in this subsection shall also apply to a board member's or employee's
6 immediate family and to any business or entity in which the board member
7 or employee has an ownership interest."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 331. Introduced by Brewer, 43; Gragert, 40; McDonnell, 5; 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, SECOND SESSION:

1. That the Legislature recognizes June 2020 as Post-Traumatic Stress Injury Awareness Month in Nebraska, and June 27, 2020, 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 BILL 899. Senator Wayne offered the following motion: Recommit to Natural Resources Committee.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wishart name added to LB1155.
Senator McDonnell name added to LB1155.

VISITOR(S)

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FOURTH DAY - MARCH 4, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2020

PRAYER

The prayer was offered by Senator Blood.

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 Brewer, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 899. Senator Wayne renewed his motion, MO160, found on page 806, to recommit to Natural Resources Committee.

Senator Wayne withdrew his motion to recommit to committee.

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the advancement of the bill.
Voting in the affirmative, 44:

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<tr>
<th>Albrecht</th>
<th>Chambers</th>
<th>Groene</th>
<th>Kolterman</th>
<th>Pansing</th>
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<td>La Grone</td>
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<td>Blood</td>
<td>Crawford</td>
<td>Hansen, B.</td>
<td>Lathrop</td>
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<td>DeBoer</td>
<td>Hansen, M.</td>
<td>Lindstrom</td>
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Voting in the negative, 1:

Wayne

Absent and not voting, 1:

Hilgers

Excused and not voting, 3:

Lowe    Morfeld    Slama

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1155.** Title read. Considered.

Committee [AM2482](#), found on page 714, was offered.

Senator Lindstrom offered his amendment, [AM2691](#), found on page 804, to the committee amendment.

Senator Erdman requested a ruling of the Chair on whether the Lindstrom amendment is germane to the committee amendment.

The Chair ruled the Lindstrom amendment is not germane to the committee amendment.

Senator Lindstrom challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Lindstrom withdrew his motion to overrule the Chair.

**SENATOR M. HANSEN PRESIDING**

Pending.
COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 977. Placed on General File with amendment.

AM2603
1 1. On page 3, line 15, strike "staff"; in line 16 strike "of the"
2 and show as stricken; and strike lines 29 and 30 and insert the following
3 new subsection:
4 "(4) Each condition of subsection (3) of this section shall be met
5 prior to the assumption of service provision by such lead agency under
6 this section. Nothing in this section shall prohibit the department from
7 phasing the transition of case management services to such lead agency
8 over a period of time."

LEGISLATIVE BILL 1183. Placed on General File with amendment.
AM2607 is available in the Bill Room.

(Signed) Sara Howard, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1061:

AM2744
1 1. Strike original section 4 and all amendments thereto and insert
2 the following new section:
3 Sec. 4. Section 28-712.01, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 28-712.01 (1)(a) The department may assign a report for alternative
6 response consistent with the Child Protection and Family Safety Act (4)
7 This section applies to alternative response demonstration projects
8 designated under section 28-712.
9 (b) No report involving any of the following shall be assigned to
10 alternative response but shall be immediately forwarded to law
11 enforcement or the county attorney:
12 (i) Murder in the first or second degree as defined in section
13 28-303 or 28-304 or manslaughter as defined in section 28-305;  
14 (ii) Assault in the first, second, or third degree or assault by
15 strangulation or suffocation as defined in section 28-308, 28-309,
16 28-310, or 28-310.01;
17 (iii) Sexual abuse, including acts prohibited by section 28-319,  
18 28-320.01, 28-320, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
19 28-322.04, 28-322.05, 28-703, or 28-707;
20 (iv) Labor trafficking of a minor or sex trafficking of a minor as
21 defined in section 28-830;
22 (v) Neglect of a minor child that results in serious bodily injury;
23 as defined in section 28-109, requires hospitalization of the child, or
24 results in an injury to the child that requires ongoing medical care;
25 behavioral health care, or physical or occupational therapy, including a
26 growth delay, which may be referred to as failure to thrive, that has
27 been diagnosed by a physician and is due to parental neglect;
1 (vi) Physical abuse to the head or torso of a child or physical
2 abuse that results in bodily injury;
3 (vii) An allegation that requires a forensic interview at a child
4 advocacy center or coordination with the child abuse and neglect
5 investigation team pursuant to section 28-728;
6 (viii) Out-of-home child abuse or neglect;
7 (ix) An allegation being investigated by a law enforcement agency at
the time of the assignment;
9 (x) A history of termination of parental rights;
10 (xi) Absence of a caretaker without having given an alternate
caretaker authority to make decisions and grant consents for necessary
care, treatment, and education of a child or without having made
provision to be contacted to make such decisions or grant such consents;
12 (xii) Domestic violence involving a caretaker in situations in which
the alleged perpetrator has access to the child or caretaker;
13 (xiii) A household member illegally manufactures methamphetamine or
opioids;
14 (xiv) A child has had contact with methamphetamine or other
nonprescribed opioids, including a positive drug screening or test; or
15 (xv) For a report involving an infant, a household member tests
positive for methamphetamine or nonprescribed opioids at the birth of
such infant.
16 (c) The department may adopt and promulgate rules and regulations to
provide additional ineligibility criteria for assignment to
alternative response and (ii) establish additional criteria requiring
review by the Review, Evaluate, and Decide Team;
17 (1) A report that includes any of the following may be eligible for
alternative response but shall first be reviewed by the Review, Evaluate,
and Decide Team prior to assignment to alternative response:
18 (i) Domestic assault as defined in section 28-323 or domestic
violence in the family home;
19 (ii) Use of alcohol or controlled substances as defined in section
20 28-401 or 28-405 by a caretaker that impairs the caregiver's ability to
care and provide safety for the child; or
21 (iii) A family member residing in the home or a caretaker that has
been the subject of a report accepted for traditional response or
assigned to alternative response in the past six months;
22 (2) The Review, Evaluate, and Decide Team shall convene to review
reports initiated pursuant to the department's rules, regulations, and
policies, to evaluate the information, and to determine assignment for
alternative response or traditional response. The team shall utilize
consistent criteria to review the severity of the allegation of child
abuse or neglect, access to the perpetrator, vulnerability of the child,
family history including previous reports, parental cooperation, parental
or caretaker protective factors, and other information as deemed
necessary. At the conclusion of the review, the report initiated shall be
assigned to either traditional response or alternative response.
24 Decisions of the team shall be made by consensus. If the team cannot come
25 to consensus, the report initiated shall be assigned for a traditional
response.
26 (3) In the case of an alternative response, the department shall
27 complete a comprehensive assessment. The department shall transfer the
case being given alternative response to traditional response if the
department determines that a child is unsafe or if the concern for the
safety of the child is due to a temporary living arrangement. Upon
completion of the comprehensive assessment, if it is determined that the
child is safe, participation in services offered to the family receiving
an alternative response is voluntary, the case shall not be transferred
to traditional response based upon the family's failure to enroll or
participate in such services, and the subject of the report shall not be
29 entered into the central registry of child protection cases maintained
30 pursuant to section 28-718.
31 (4) The department shall, by the next working day after receipt of a
report of child abuse or neglect, enter into the tracking system of
relevant child protection cases maintained pursuant to section 28-715 all reports
of child abuse or neglect received under this section that are opened for
alternative response and any action taken.
6 (5) The department shall make available to the appropriate
7 investigating law enforcement agency, child advocacy center, and county
8 attorney a copy of all reports relative to a case of suspected child
9 abuse or neglect. Aggregate, nonidentifying data regarding reports of
10 child abuse or neglect receiving an alternative response shall be made
11 available quarterly to requesting agencies outside the department. Such
12 alternative response data shall include, but not be limited to, the
13 nature of the initial child abuse or neglect report, the age of the child
14 or children, the nature of services offered, the location of the cases,
15 the number of cases per month, and the number of alternative response
16 cases that were transferred to traditional response. Other than No other
17 agency or individual except the office of Inspector General of Nebraska
18 Child Welfare, the Public Counsel, law enforcement agency personnel,
19 child advocacy center employees, and county attorneys, no other agency or
20 individual shall be provided specific, identifying reports of child abuse
21 or neglect being given alternative response. The office of Inspector
22 General of Nebraska Child Welfare shall have access to all reports
23 relative to cases of suspected child abuse or neglect subject to
24 traditional response and those subject to alternative response. The
25 department and the office shall develop procedures allowing for the
26 Inspector General's review of cases subject to alternative response. The
27 Inspector General shall include in the report pursuant to section 43-4331
28 a summary of all cases reviewed pursuant to this subsection.

Senator Clements filed the following amendment to LB870:
AM2613
11. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 332. Introduced by Crawford, 45; Blood, 3.

WHEREAS, Garrett Grice, a sophomore of Bellevue East High School,
won the 2020 Class A State Wrestling Championship in the 120-pound
division; and
WHEREAS, this is the second Class A state title for Garrett Grice; and
WHEREAS, Garrett finished his wrestling season with an impressive
record of 44-1; and
WHEREAS, Garrett competed against senior Emilio Haynes of Omaha
Central High School in the championship match and secured his win with a
take down with 40 seconds left in the match and earned three near-fall
points for a 6-1 win; 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, SECOND
SESSION:
1. That the Legislature congratulates Garrett Grice on his state wrestling
championship.
2. That a copy of this resolution be sent to Garrett Grice.
Laid over.

VISITOR(S)

Visitors to the Chamber were Todd and Kayrson Morehead from Papillion; students from Holy Name School, Omaha; members of Catholics at the Capitol from across the state; students and teachers from Minden High School; and students from Anderson Grove Elementary, Bellevue.

RECESS

At 11:48 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., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senators DeBoer, Hilgers, Howard, Linehan, Morfeld, Quick, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1155. Committee AM2482, found on page 714 and considered in this day's Journal, was renewed.

Senator Vargas offered the following amendment to the committee amendment:

AM2754

(Amendments to Standing Committee amendments, AM2482)

1. Insert the following new amendment:
2. 4. On page 6, strike beginning with "In" in line 4 through the 3 period in line 6.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1131. Placed on Select File with amendment.

ER182 is available in the Bill Room.
LEGISLATIVE BILL 931. Placed on Select File.

(Signed) Julie Slama, 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 appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Bailey - Board of Emergency Medical Services
Todd Hovey - Board of Emergency Medical Services
Dion J. Neumiller - Board of Emergency Medical Services
Michael Sheridan - Board of Emergency Medical Services

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 appointment(s) be confirmed by the Legislature and suggests a record vote.

John L. Kuehn - State Board of Health

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848. Title read. Considered.

Committee AM2578, found on page 720, was offered.

Senator Brewer offered the following amendment to the committee amendment:

AM2723  (Amendments to Standing Committee amendments, AM2578)
1 1. Insert the following new sections:
2 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 43-4502 The purpose of the Young Adult Bridge to Independence Act is
5 to support former state or tribal wards in transitioning to adulthood,
6 becoming self-sufficient, and creating permanent relationships. The
7 bridge to independence program shall at all times recognize and respect
8 the autonomy of the young adult. Nothing in the Young Adult Bridge to
9 Independence Act shall be construed to abrogate any other rights that a
10 person who has attained eighteen or nineteen years of age may have as an
11 adult under state or tribal law.
12 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is amended to read:
13 43-4503 For purposes of the Young Adult Bridge to Independence Act:
14 (1) Age of eligibility means:
15 (a) Nineteen years or age; or
16 (b) Eighteen years of age if the young adult has attained the age of
17 majority under tribal law;
18 (2) Bridge to independence program means the extended services
19 and support available to a young adult under the Young Adult Bridge to
20 Independence Act other than extended guardianship assistance described in
21 section 43-4511 and extended adoption assistance described in section
22 43-4512;
23 (3) Child means an individual who has not attained twenty-one
24 years of age;
25 (4) Department means the Department of Health and Human
26 Services;
27 (5) Supervised independent living setting means an independent
28 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
29 independent living settings shall include, but not be limited to, single
30 or shared apartments, houses, host homes, college dormitories, or other
31 postsecondary educational or vocational housing;
32 (6) Voluntary services and support agreement means a voluntary
33 placement agreement as defined in 42 U.S.C. 672(f) between the department
34 and a young adult as his or her own guardian; and
35 (7) Young adult means an individual who has attained the age of
36 eligibility nineteen years of age but who has not attained twenty-one
37 years of age.
38 13 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is amended to read:
39 43-4504 The bridge to independence program is available, on a
40 voluntary basis, to a young adult:
41 (1) Who has attained the age of eligibility at least nineteen years
42 of age;
43 (2) Who was adjudicated to be a juvenile described in subdivision
44 (3)(a) of section 43-247 or the equivalent under tribal law or who was
45 adjudicated to be a juvenile described in subdivision (8) of section
46 43-247 or the equivalent under tribal law if the young adult's
47 guardianship or state-funded adoption assistance agreement was disrupted
48 or terminated after he or she had attained the age of sixteen years and
49 who (a) who, upon attaining the age of eligibility nineteen years of age,
50 was in an out-of-home placement or had been discharged to independent
51 living or (b) with respect to whom a kinship guardianship assistance
52 agreement or an adoption assistance agreement was in effect pursuant to
53 42 U.S.C. 673 if the young adult had attained sixteen years of age before
54 the agreement became effective or with respect to whom a state-funded
55 guardianship assistance agreement or a state-funded adoption assistance
56 agreement was in effect if the young adult had attained sixteen years of
57 age before the agreement became effective;
58 (3) Who is:
59 (a) Completing secondary education or an educational program leading
60 to an equivalent credential;
61 (b) Enrolled in an institution which provides postsecondary or
62 vocational education;
63 (c) Employed for at least eighty hours per month;
64 (d) Participating in a program or activity designed to promote
65 employment or remove barriers to employment; or
66 (e) Incapable of doing any of the activities described in
67 subdivisions (3)(a) through (d) of this section due to a medical
68 condition, which incapacity is supported by regularly updated information
69 in the case plan of the young adult;
15 (4) Who is a Nebraska resident, except that this requirement shall
16 not disqualify a young adult who was a Nebraska resident but was placed
17 outside Nebraska pursuant to the Interstate Compact for the Placement of
18 Children; and
19 (5) Who does not meet the level of care for a nursing facility as
20 defined in section 71-424, for a skilled nursing facility as defined in
21 section 71-429, or for an intermediate care facility for persons with
22 developmental disabilities as defined in section 71-421.
23 The changes made to subdivision (2)(b) of this section by Laws 2015,
24 LB243, become operative on July 1, 2015.
25 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 43-4510 (1) If desired by the young adult, the young adult shall be
28 provided a court-appointed attorney who has received training appropriate
29 to the role. The attorney's representation of the young adult shall be
30 client-directed. The attorney shall protect the young adult's legal
31 rights and vigorously advocate for the young adult's wishes and goals,
1 including assisting the young adult as necessary to ensure that the
2 bridge to independence program is providing the young adult with the
31 support required under the Young Adult Bridge to
4 Independence Act. For young adults who were appointed a guardian ad litem
5 before the young adult attained the age of eligibility nineteen years of
6 age, the guardian ad litem's appointment may be continued, with consent
7 from the young adult, but under a client-directed model of
8 representation. Before entering into a voluntary services and support
9 agreement and at least sixty days prior to each permanency and case
10 review, the independence coordinator shall notify the young adult of his
11 or her right to request a client-directed attorney if the young adult
12 would like an attorney to be appointed and shall provide the young adult
13 with a clear and developmentally appropriate written notice regarding the
14 young adult's right to request a client-directed attorney, the benefits
15 and role of such attorney, and the specific steps to take to request that
16 an attorney be appointed if the young adult would like an attorney
17 appointed.
18 (2) The court has discretion to appoint a court-appointed special
19 advocate volunteer or continue the appointment of a previously appointed
20 court appointed special advocate volunteer with the consent of the young
21 adult.
22 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 43-4511 (1) The department shall provide extended guardianship
25 assistance and medical care under the medical assistance program for a
26 young adult who has attained the age of eligibility is at least nineteen
27 years of age but is less than twenty-one years of age and with respect to
28 whom a kinship guardianship assistance agreement was in effect pursuant
29 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
30 before the agreement became effective or with respect to whom a state-
31 funded guardianship assistance agreement was in effect if the young adult
1 had attained sixteen years of age before the agreement became effective.
2 and if the young adult meets at least one of the following conditions for
3 eligibility:
4 (a) The young adult is completing secondary education or an
5 educational program leading to an equivalent credential;
6 (b) The young adult is enrolled in an institution that provides
7 postsecondary or vocational education;
8 (c) The young adult is employed for at least eighty hours per month;
9 (d) The young adult is participating in a program or activity
10 designed to promote employment or remove barriers to employment; or
11 (e) The young adult is incapable of doing any part of the activities
12 in subdivisions (1)(a) through (d) of this section due to a medical
condition, which incapacity must be supported by regularly updated
information in the case plan of the young adult.

(2) The guardian shall ensure that any guardianship assistance funds
provided by the department and received by the guardian shall be used for
the benefit of the young adult. The department shall adopt and promulgate
rules and regulations defining services and supports encompassed by such
benefit.

(3) The changes made to this section by Laws 2015, LB243, become
operative on July 1, 2015.

Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
amended to read:

(1) The department shall provide extended adoption
assistance and medical care under the medical assistance program for a
young adult who has attained the age of eligibility is at least nineteen
years of age but is less than twenty-one years of age and with respect to
whom an adoption assistance agreement was in effect if the young adult
had attained sixteen years of age before the agreement became effective
and who meets at least one of the following conditions of eligibility:

(a) The young adult is completing secondary education or an
educational program leading to an equivalent credential;

(b) The young adult is enrolled in an institution that provides
postsecondary or vocational education;

(c) The young adult is employed for at least eighty hours per month;

(d) The young adult is participating in a program or activity
designed to promote employment or remove barriers to employment; or

(e) The young adult is incapable of doing any part of the activities
in subdivisions (1)(a) through (d) of this section due to a medical
condition, which incapacity must be supported by regularly updated
information in the case plan of the young adult.

(2) The adoptive parent or parents shall ensure that any adoption
assistance funds provided by the department and received by the adoptive
parent shall be used for the benefit of the young adult. The department
shall adopt and promulgate rules and regulations defining services and
supports encompassed by such benefit.

2. Renumber the remaining sections and correct the repealer
accordingly.

Senator Brewer moved for a call of the house. The motion prevailed with 21
ayes, 0 nays, and 28 not voting.

The Brewer amendment was adopted with 45 ayes, 0 nays, and 4 excused
and not voting.

Senator Chambers requested a record vote on the committee amendment, as
amended.

Voting in the affirmative, 44:
Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Hansen, B. Hilgers La Grone Lowe

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks withdrew her amendment, AM2263, found on page 517.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

Albrecht Chambers Hilkemann Linehan Slama
Arch Clements Hansen, M. Linehan Slama
Blood Crawford Hilkemann McCollister Stinner
Bolz DeBoer Howard McDonnell Vargas
Bostelman Dorn Hughes Morfeld Walz
Brandt Erdman Hunt Moser Wayne
Brewer Friesen Kolowski Murman Williams
Briese Geist Kolterman Pansing Brooks Wishart
Cavanaugh Gragert Lathrop Quick

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.
Excused and not voting, 5:
Groene    Halloran    Hansen, B.    Hilgers    Lowe

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 247. Title read. Considered.

SENATOR HILGERS PRESIDING

Committee AM2206, found on page 561, 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 865. Title read. Considered.

Senator Wayne offered the following amendment:

AM2732
1 1. Strike the original sections 2 and 4 to 11.
2 2. Renumber the remaining sections and correct the internal
3 reference and the repealer accordingly.

The Wayne amendment was adopted with 39 ayes, 0 nays, 7 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 865A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 797. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Committee AM2293, found on page 557, was adopted with 39 ayes, 0 nays, 7 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 1201. Placed on General File with amendment.

AM2753

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

3 Section 1. The Legislature finds and declares that the State of Nebraska experienced a historic flood event in 2019. This flood event significantly impacted numerous communities and individual Nebraskans.

6 Coordination and communication between state and local entities implementing flood mitigation strategies is essential to maximize federal funds for flood mitigation efforts.

Sec. 2. The Department of Natural Resources shall develop a state flood mitigation plan as a stand-alone document to be annexed into the state hazard mitigation plan maintained by the Nebraska Emergency Management Agency. Such plan shall be structured in accordance with Federal Emergency Management Agency guidelines, and shall be comprehensive, collaborative, and statewide in scope with opportunities for input from diverse stakeholders.

Sec. 3. The Department of Natural Resources shall convene a development group which shall be housed and staffed for administrative purposes within such department. The Department of Natural Resources shall engage with federal, state, and local agency and community stakeholders in the development of the state flood mitigation plan, including, but not limited to, the Department of Transportation, the Department of Environment and Energy, the Department of Economic Development, the Department of Agriculture, the Nebraska Emergency Management Agency, the United States Geological Survey, the Federal Emergency Management Agency, the University of Nebraska, representatives of counties, municipalities, and other political subdivisions, and the Natural Resources Committee of the Legislature. The Department of Natural Resources may engage other sources to provide technical expertise as needed.

Sec. 4. The Department of Natural Resources shall:

1. Evaluate the flood issues that occurred in 2019, and identify cost-effective flood mitigation strategies that should be adopted to reduce the disruption of lives and livelihoods and prioritize making Nebraska communities more resilient;

2. Identify opportunities to implement flood hazard mitigation strategies with the intent to reduce the impact of flood events;

3. Identify potential available funding sources that can be accessed to improve the resilience of the state through flood mitigation and post-flood disaster recovery. The funding sources shall include, but not be limited to, assistance from (a) the Federal Emergency Management Agency's Flood Mitigation Assistance Grant Program, Building Resilient Infrastructure and Communities Grant Program, Hazard Mitigation Grant Program, Public Assistance Program, and Individual Assistance Program, (b) the United States Department of Housing and Urban Development's Community Development Block Grant Program and Community Development Block Grant Disaster Recovery Program, and (c) programs of the United States Department of Agriculture's Natural Resources Conservation Service;

4. Identification of such funding sources shall be in addition to grants and cost-sharing programs available through other agencies that support flood hazard mitigation planning in communities;
28 (5) Compile a centralized list of critical infrastructure and state-
owned facilities and identify those with the highest risk of flooding. In
30 compiling such list, the Department of Natural Resources shall consult
31 and collaborate with other state and local agencies that have information
1 that identifies vulnerable facilities;
2 (6) Include an evaluation of state laws, rules, regulations,
3 policies, and programs related to flood hazard mitigation and development
4 in flood hazard-prone areas to support the state's administration of the
5 Federal Emergency Management Agency's National Flood Insurance Program,
6 Community Rating System, and Risk Mapping, Assessment, and Planning
7 Program;
8 (7) Examine existing law and, if necessary, recommend statutory or
9 administrative changes to help ensure collaboration and coordination
10 between state and local entities in statewide flood mitigation planning;
11 and
12 (8) Hold two public hearings, one prior to the first state flood
13 mitigation plan development meeting and one prior to the completion of
14 such plan. Notice of each hearing shall be published at least thirty days
15 prior to the hearing date.
16 Sec. 5. The state flood mitigation plan shall be completed and
17 reported to the Governor and electronically to the Legislature on or
18 before December 31, 2021.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to LB1055:
AM2703 is available in the Bill Room.

Senator Lindstrom filed the following amendment to LB808:
AM2750 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1152. Title read. Considered.

Committee AM2581, found on page 721, was adopted with 36 ayes, 2 nays,
7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 6 present
and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB881:
AM2763 (Amendments to Standing Committee amendments, AM2628)
1 1. On page 15, lines 9, 10, and 12, after "offense" insert "or
2 offenses"; and in line 13 after "recognizance" insert ", subject to
3 conditions of release the court may impose after a hearing".
4 2. On page 17, line 9, strike "only"; and in line 12 after the
5 period insert "As an alternative to a lump-sum payment or as an
6 alternative or in conjunction with installment payments, the court or
7 magistrate may, with the consent of the offender, deduct fines from a
8 bond posted by the offender to the extent that such bond is not otherwise
9 encumbered by a valid lien, levy, execution, or assignment to counsel of
10 record or the person who posted the bond.
11 3. On page 20, after line 10 insert the following new subdivision:
12 "(k) Preclude use of the conviction for purposes of section
13 28-1206;" in line 11 strike "(k)" and insert "(l);" in line 13 strike
14 "(l)" and insert "(m);" and in line 15 strike "(m)" and insert "(n)."

LEGISLATIVE RESOLUTION 333. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine the possibility
of placing one or more reservoirs on the Platte River and its tributaries for
the purpose of flood control, hydroelectric energy, recreation, economic
development, and environmental stewardship.

The study shall be completed in collaboration with the University of
Nebraska College of Engineering and affected stakeholders. Stakeholders
shall include representatives from the Department of Natural Resources, the
Department of Environment and Energy, the Game and Parks Commission,
affected municipalities and natural resources districts, local taxing
authorities, affected drainage districts, and other interested entities. The
study shall consider the impact and placement of one or more reservoirs of
sufficient size and scale to provide flood control, a stable and reliable
drinking water supply, power generation, extreme weather mitigation, and
recreation, and to attract and retain a workforce to foster regional and
economic growth.

The issues addressed by this interim study shall include, but not be limited to:

(1) A history of the Platte River watershed;
(2) The purpose of and need for such reservoirs on the Platte River;
(3) A description of a possible reservoir project;
(4) Project challenges and benefits;
(5) Next steps;
(6) Water supply issues, including existing water supplies, future water
supply needs, water rights, flood control, hydrology and hydraulics, and
methodology;
(7) Existing flood risk and predicted flood risk with and without a
reservoir project;
(8) Recreation, including existing regional recreation and future regional
recreational needs;
(9) Hydropower, including existing power demands, future power
demands, and the integration of hydropower into regional power production;
(10) Site selection and optimization;
(11) Conceptual reservoir design;
(12) Possible project features, including an evaluation of alternatives;
(13) Potential project costs and benefits;
(14) Alternative reservoir locations;
(15) Expansion of existing facilities;
(16) A description of the outcomes if no action is taken;
(17) Screening of alternatives;
(18) Permitting issues and procedures; and
(19) Necessary collaboration with federal agencies such as the Federal Energy Regulatory Commission, the Environmental Protection Agency, the United States Army Corps of Engineers, the Fish and Wildlife Service, and the United States Department of Agriculture for the completion of such potential reservoir project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1155.

VISITOR(S)

Visitors to the Chamber were members of McCook Leadership 2.0; and students from Crete Intermediate School.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 4:59 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER
The prayer was offered by Pastor Joseph Gastinueau, Revival Tabernacle Church, 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 Bolz, Cavanaugh, B. Hansen, M. Hansen, Morfeld, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL
The Journal for the thirty-fourth day was approved.

ANNOUNCEMENT
The Chair announced the birthday of Senator Blood.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 461. Placed on Select File with amendment.  
ER183 is available in the Bill Room.

LEGISLATIVE BILL 1042. Placed on Select File with amendment.  
ER184 is available in the Bill Room.

LEGISLATIVE BILL 1042A. Placed on Select File.
LEGISLATIVE BILL 803. Placed on Select File with amendment.

ER186

1 1. On page 1, line 5, strike the comma and insert "and"; and in line
2 6 strike the comma.
3 2. On page 2, line 8, after the third comma insert "or" and strike
4 the last comma.
5 3. On page 5, line 22, strike "to".
6 4. On page 8, lines 4 and 5, strike "Pulse Crop Development,
7 Utilization, and Marketing Board" and insert "board".

LEGISLATIVE BILL 803A. Placed on Select File.

LEGISLATIVE BILL 43. Placed on Select File with amendment.

ER185

1 1. On page 1, line 1, after the semicolon insert "to amend section
2 29-1926, Reissue Revised Statutes of Nebraska, and sections 29-119 and
3 29-1917, Revised Statutes Supplement, 2019;"; and in line 2 after "Act"
4 insert "; to redefine a term and change rules of criminal procedure
5 relating to plea agreements and depositions; and to repeal the original
6 sections".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB43:
AM2748 is available in the Bill Room.

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 739:
Technical Advisory Committee for Statewide Assessment
Chad W. Buckendahl

Voting in the affirmative, 39:

Albrecht  Clements  Groene  La Grone  Quick
Arch  Crawford  Halloran  Lathrop  Scheer
Blood  DeBoer  Hilgers  Lindstrom  Slama
Bostelman  Dorn  Hilkemann  Linehan  Stinner
Brandt  Erdman  Howard  Lowe  Walz
Brewer  Friesen  Hughes  McDonnell  Williams
Briese  Geist  Kolowski  Moser  Wishart
Chambers  Gragert  Koltermann  Murman

Voting in the negative, 0.

Present and not voting, 2:
THIRTY-FIFTH DAY - MARCH 5, 2020

Hunt          McCollister

Excused and not voting, 8:

Bolz         Hansen, B.  Morfeld       Vargas
Cavanaugh    Hansen, M.  Pansing Brooks Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 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 739:
   Technical Advisory Committee for Statewide Assessment
        Cindy Gray

Voting in the affirmative, 39:

    Albrecht  Clements   Halloran    La Grone     Quick
    Arch      Crawford   Hilgers     Lathrop     Scheer
    Blood     Dorn       Hilkemann  Lindstrom  Slama
    Bostelman Erdman    Howard     Linehan     Stinner
    Brandt    Friesen    Hughes     Lowe         Walz
    Brewer    Geist      Hunt       McDonnell   Williams
    Briese    Gragert   Kolowski   Moser        Wishart
    Chambers  Groene    Kolterman  Murman

Voting in the negative, 0.

Present and not voting, 2:

DeBoer    McCollister

Excused and not voting, 8:

Bolz         Hansen, B.  Morfeld       Vargas
Cavanaugh    Hansen, M.  Pansing Brooks Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 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 739:
   Coordinating Commission for Postsecondary Education
        Timothy Daniels

Voting in the affirmative, 38:
The appointment was confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 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 739:

Coordinating Commission for Postsecondary Education
Charles Garman

Voting in the affirmative, 39:

Albrecht      Chambers      Groene      Lathrop      Quick
Arch          Clements      Halloran     Lindstrom    Scheer
Blood         Crawford      Hilkemann    Linehan      Slama
Bostelman     Erdman        Hughes       Lowe         Walz
Brandt        Friesen       Hunt         McCollister  Williams
Briese        Geist         Kolowski     McDonnell    Wishart
Chambers      Groene       La Grone     Quick

Voting in the negative, 0.

Present and not voting, 3:

DeBoer        Hilkenmann    Murman

Excused and not voting, 8:

Bolz          Hansen, B.    Morfeld      Vargas
Cavanaugh     Hansen, M.    Pansing      Brooks      Wayne

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Coordinating Commission for Postsecondary Education
Charles Garman

Voting in the affirmative, 39:

Albrecht      Chambers      Groene      Lathrop      Quick
Arch          Clements      Halloran     Lindstrom    Scheer
Blood         Crawford      Hilkemann    Linehan      Slama
Bostelman     Dorn          Howard       Lowe         Stinner
Brandt        Erdman        Hughes       McCollister  Walz
Briese        Geist         Kolowski     Moser        Wishart
Cavanaugh     Gragert       La Grone     Murman
Bolz      Hansen, M.  Pansing Brooks  Wayne
Hansen, B.  Morfeld      Vargas

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Board of Parole
Mark T. Langan

Voting in the affirmative, 40:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Cavanaugh</th>
<th>Groene</th>
<th>La Grone</th>
<th>Murman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Clements</td>
<td>Halloran</td>
<td>Lathrop</td>
<td>Quick</td>
</tr>
<tr>
<td>Blood</td>
<td>Crawford</td>
<td>Hilgers</td>
<td>Lindstrom</td>
<td>Scheer</td>
</tr>
<tr>
<td>Bolz</td>
<td>Dorn</td>
<td>Hilkemann</td>
<td>Linehan</td>
<td>Slama</td>
</tr>
<tr>
<td>Bostelman</td>
<td>Erdman</td>
<td>Howard</td>
<td>Lowe</td>
<td>Stinner</td>
</tr>
<tr>
<td>Brandt</td>
<td>Friesen</td>
<td>Hughes</td>
<td>McCollister</td>
<td>Walz</td>
</tr>
<tr>
<td>Brewer</td>
<td>Geist</td>
<td>Kolowski</td>
<td>McDonnell</td>
<td>Williams</td>
</tr>
<tr>
<td>Briese</td>
<td>Gragert</td>
<td>Kolterman</td>
<td>Moser</td>
<td>Wishart</td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 3:

<table>
<thead>
<tr>
<th>Chambers</th>
<th>DeBoer</th>
<th>Hunt</th>
</tr>
</thead>
</table>

Excused and not voting, 6:

<table>
<thead>
<tr>
<th>Hansen, B.</th>
<th>Morfeld</th>
<th>Vargas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hansen, M.</td>
<td>Pansing Brooks</td>
<td>Wayne</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Crime Victim's Reparations Committee
Anne C. Boatright

Voting in the affirmative, 37:
The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 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 788:

<table>
<thead>
<tr>
<th>Commission for the Deaf and Hard of Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candice Arteaga</td>
</tr>
<tr>
<td>Robert J. Feit</td>
</tr>
<tr>
<td>Jonathan Scherling</td>
</tr>
</tbody>
</table>

Voting in the affirmative, 39:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Cavanaugh</th>
<th>Halloran</th>
<th>Lathrop</th>
<th>Quick</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Chambers</td>
<td>Hilgers</td>
<td>Linehan</td>
<td>Slama</td>
</tr>
<tr>
<td>Blood</td>
<td>Clements</td>
<td>Howard</td>
<td>McCollister</td>
<td>Walz</td>
</tr>
<tr>
<td>Bolz</td>
<td>Crawford</td>
<td>Hughes</td>
<td>McDonnell</td>
<td>Williams</td>
</tr>
<tr>
<td>Bostelman</td>
<td>Erdman</td>
<td>Kolowski</td>
<td>Moser</td>
<td>Wishart</td>
</tr>
<tr>
<td>Brandt</td>
<td>Geist</td>
<td>Kolterman</td>
<td>Murman</td>
<td></td>
</tr>
<tr>
<td>Brewer</td>
<td>Gragert</td>
<td>La Grone</td>
<td>Quick</td>
<td></td>
</tr>
<tr>
<td>Briese</td>
<td>Halloran</td>
<td>Lathrop</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 5:

| DeBoer | Friesen | Groene | Hunt | Lindstrom |

Excused and not voting, 7:

<table>
<thead>
<tr>
<th>Dorn</th>
<th>Hansen, M.</th>
<th>Pansing Brooks</th>
<th>Wayne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hansen, B.</td>
<td>Morfeld</td>
<td>Vargas</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 5:

| DeBoer | Friesen | Hunt | Linehan | Lowe |


Excused and not voting, 5:

Dorn, Hansen, B. Hansen, M. Vargas Wayne

The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 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 788:

Nebraska Rural Health Advisory Commission
Michael Allen Christopher Greene

Voting in the affirmative, 37:

Albrecht Chambers Halloran Linehan Quick
Arch Clements Hilgers Lowe Scheer
Blood Crawford Hilkemann McCollister Slama
Bostelman Dorn Howard McDonnell Walz
Brandt Erdman Hughes Morfeld Wishart
Brewer Geist Hunt Moser
Briese Gragert Kolowski Murman
Cavanaugh Groene Lindstrom Pansing Brooks

Voting in the negative, 0.

Present and not voting, 8:

Bolz Friesen La Grone Stinner
DeBoer Kolterman Lathrop Williams

Excused and not voting, 4:

Hansen, B. Hansen, M. Vargas Wayne

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 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 813:

Board of Emergency Medical Services
Michael Bailey
Todd Hovey
Dion J. Neumiller
Michael Sheridan

Voting in the affirmative, 39:
The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 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 813:

State Board of Health
John L. Kuehn

Senator Linehan moved the previous question. The question is, "Shall the debate now close?"

Senator Linehan moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Albrecht  Clements  Groene  Hughes  Moser
Arch  Dorn  Halloran  La Grone  Murman
Brandt  Erdman  Hansen, B.  Lindstrom  Quick
Briese  Gragert  Kolowski  Linehan  Scheer
Brewer  Geist  Hilkemann  Lowe  Slama
Bostelman  Dorn  Howard  Lowe  Scheer
Bolz  Friesen  Hilgers  Linehan  Scheer
Chambers  Halloran  La Grone  Murman
Cavanaugh  Groene  Kolterman  Moser  Wishart

Voting in the negative, 6:
Present and not voting, 9:

Blood        Crawford        Lathrop         Pansing Brooks    Wishart
Bolz         DeBoer          McCollister      Wayne

Excused and not voting, 5:

Kolterman    Stinner         Vargas          Walz            Williams

The motion to cease debate prevailed with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

Voting in the affirmative, 32:

Albrecht      Crawford        Groene         Hughes          Murman
Arch          DeBoer          Halloran       La Grone        Quick
Bostelman     Dorn            Hansen, B.    Lindstrom       Scheer
Brandt        Erdman          Hansen, M.     Linehan         Slama
Brewer        Friesen         Hilgers        Lowe
Briese        Geist           Hilkenmann     McDonnell
Clements      Gragert         Howard         Moser

Voting in the negative, 3:

Chambers      Hunt            Morfeld

Present and not voting, 9:

Blood        Cavanaugh       Lathrop         Pansing Brooks    Wishart
Bolz         Kolowski        McCollister     Wayne

Excused and not voting, 5:

Kolterman    Stinner         Vargas          Walz            Williams

The appointment was confirmed with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.
NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1113

Friday, March 20, 2020 1:00 p.m.
John F. Krager III - Board of Public Roads Classifications and Standards
Roger Figard - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

LEGISLATIVE RESOLUTION 334. Introduced by Brewer, 43; Albrecht, 17; Gragert, 40; Pansing Brooks, 28.

WHEREAS, Charles "Chuck" Trimble was born and raised on the Pine Ridge Indian Reservation and was an enrolled member of the Oglala Sioux Tribe; and
WHEREAS, Chuck enlisted in the United States Army in 1957 and served honorably as an Infantry Operations Intelligence Specialist in Germany; and
WHEREAS, Chuck was accomplished in his professional career, working in the Atlas Missile program, advancing solar research at the Harvard College Observatory, and contributing to the Apollo Telescope Mount project; and
WHEREAS, despite his professional success, Chuck Trimble always remembered his roots and the challenges facing American Indians; and
WHEREAS, Chuck's deep concern for the welfare of native peoples motivated his involvement in the White Buffalo Council of American Indians, the Denver urban Indian organization, the Denver Indian Times, the National Congress of American Indians, the American Indian National Bank, and the founding of the American Indian Press Association; and
WHEREAS, Chuck always maintained his native cultural identity as central to his life, as exemplified by his beautiful command of the Lakota language; and
WHEREAS, his generosity in bestowing his time and wisdom to the people of the State of Nebraska was unwavering, with his contributions as a board member for the Nebraska State Historical Society Foundation, his instruction at the University of Nebraska-Omaha, his summer workshops for high school students, and his work as a member of the Nebraska Commission on Indian Affairs; and
WHEREAS, Chuck Trimble passed away on March 2, 2020, and is survived by his wife, Anne, and his daughter, Kaiti.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature recognizes Charles "Chuck" Trimble for his
lifetime of service to native peoples, to the State of Nebraska, and to the
United States of America.
2. That the Legislature offers its deepest condolences to the family and
friends of Charles Trimble during this time of loss.
3. That a copy of this resolution be sent to Charles Trimble's family.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB344:

AM2705

(Amendments to Standing Committee amendments, AM2486)

1 1. On page 9, line 23, strike “infected by a dangerous disease
2 shall” and insert “may be required by the department to”; and strike
3 beginning with “as” in line 24 through “department” in line 25.
4 2. On page 10, line 31, strike “landowner or land” and insert “owner
5 or”.
6 3. On page 11, line 5, strike “a landowner” and insert “an owner”;
7 in line 6 strike “land” and insert “a”; and in line 21 after “plan”
8 insert “or otherwise allowed by the State Veterinarian”.
9 4. On page 12, lines 1 and 3, strike “an approved”; in line 2 after
10 “establishment” insert “or other hauler approved by the State
11 Veterinarian”; in line 12 strike “or” and after the semicolon insert
12 paragraphing and the following new subdivision:
13 “(iv) To any facility which lawfully disposes of dead animals; or”;
14 and in line 13 strike “(iv)” and insert “(v)”.
15 5. On page 13, line 26, strike “federally”.
16 6. On page 16, line 16, strike “infected” and insert “affected”; in
17 line 19 strike “nonaffected anthrax”; and in line 20 after “flocks”
18 insert “not affected due to anthrax”.

GENERAL FILE

LEGISLATIVE BILL 1055. Title read. Considered.

Committee AM2573, found on page 738, was offered.

Senator La Grone offered his amendment, AM2703, found on page 820, to
the committee amendment.

SPEAKER SCHEER PRESIDING

SENATOR LINDSTROM PRESIDING

The La Grone amendment was adopted with 39 ayes, 0 nays, and 10 present
and not voting.
The committee amendment, as amended, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

SENIOR HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 present and not voting.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 1052. Placed on General File with amendment. AM2645 is available in the Bill Room.

LEGISLATIVE BILL 1140. Placed on General File with amendment. AM2663

1. Strike the original sections and insert the following new sections:
2. Section 1. (1) Youth rehabilitation and treatment centers shall be operated to provide programming and services to rehabilitate and treat juveniles committed under the Nebraska Juvenile Code. Each youth rehabilitation and treatment center shall be considered a separate placement. Each youth rehabilitation and treatment center shall provide:
3. (a) Safe and sanitary space for sleeping, hygiene, education, programming, treatment, recreation, and visitation for each juvenile;
4. (b) Health care and medical services;
5. (c) Appropriate physical separation and segregation of juveniles based on gender;
6. (d) Sufficient staffing to comply with state and federal law and protect the safety and security of each juvenile;
7. (e) Training that is specific to the population being served at the youth rehabilitation and treatment center;
8. (f) A facility administrator for each youth rehabilitation and treatment center who has the sole responsibility for administration of a single youth rehabilitation and treatment center;
9. (g) An evaluation process for the development of an individualized treatment plan within fourteen days after admission to the youth rehabilitation and treatment center;
10. (h) An age-appropriate and developmentally appropriate education program for each juvenile that can award relevant and necessary credits toward high school graduation that will be accepted by the juvenile's home school district;
11. (i) A case management and coordination process, designed to assure appropriate reintegration of the juvenile with his or her family, school, and community;
12. (j) Compliance with the requirements stated in Title XIX and Title IV-E of the federal Social Security Act, as such act existed on January 1, 2020, the Special Education Act, or other funding guidelines as appropriate;
13. (k) Research-based or evidence-based programming for all juveniles that includes a strong academic program and classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance use awareness, physical education, job skills training, and job placement assistance; and
14. (l) Research-based or evidence-based treatment service for behavioral impairment, severe emotional disturbance, sex offender...
15 behavior, other mental health or psychiatric disorder, drug and alcohol
16 addiction, physical or sexual abuse, and any other treatment indicated by
17 a juvenile's individualized treatment plan.
18 (2) Each youth rehabilitation and treatment center shall
19 electronically submit a report of its activities for the preceding fiscal
20 year to the Clerk of the Legislature on or before July 15 of each year.
21 The annual report shall include, but not be limited to, the following
22 information:
23 (a) Data on the population served, including, but not be limited to,
24 admissions, average daily census, average length of stay, race, and
25 ethnicity;
26 (b) An overview of programming and services; and
27 (c) An overview of any facility issues or facility improvements.
28 Sec. 2. (1) The Department of Health and Human Services shall
29 develop a five-year operations plan for the youth rehabilitation and
30 treatment centers and submit such operations plans electronically to the
31 Health and Human Services Committee of the Legislature on or before
33 (2) The operations plan shall be developed with input from key
34 stakeholders and shall include, but not be limited to:
35 (a) A description of the population served at each youth
36 rehabilitation and treatment center;
37 (b) An organizational chart of supervisors and operations staff. The
38 operations plan shall not allow for administrative staff to have
39 oversight over more than one youth rehabilitation and treatment center
40 and shall not allow for clinical staff to have responsibility over more
41 than one youth rehabilitation and treatment center;
42 (c) Staff who shall be centralized offsite or managed onsite,
43 including facility and maintenance staff;
44 (d) A facility plan that considers taxpayer investments already made
45 in the facility and the community support and acceptance of the juveniles
46 in the community surrounding the youth rehabilitation and treatment
47 center;
48 (e) A description of each rehabilitation program offered at the
49 youth rehabilitation and treatment center;
50 (f) A description of each mental health treatment plan offered at
51 the youth rehabilitation and treatment center;
52 (g) A description of reentry and discharge planning;
53 (h) A staffing plan that ensures adequate staffing;
54 (i) An education plan developed in collaboration with the State
55 Department of Education;
56 (j) A capital improvements budget;
57 (k) An operating budget;
58 (l) A disaster recovery plan;
59 (m) A plan to segregate the juveniles by gender on separate
60 campuses;
61 (n) A parenting plan for juveniles placed in a youth rehabilitation
62 and treatment center who are parenting;
63 (o) A statement of the rights of juveniles placed at the youth
64 rehabilitation and treatment centers, including a right to privacy, and
65 the rights of parents or guardians;
66 (p) Quality and outcome measurements for tracking outcomes for
67 juveniles when they are discharged from the youth rehabilitation and
68 treatment center, including an exit survey of such juveniles;
69 (q) Key performance indicators to be included in the annual report
70 required under this section;
71 (r) A requirement for trauma-informed training provided to staff;
72 (s) Methods and procedures for investigations at the youth
73 rehabilitation and treatment center; and
74 (t) A grievance process for juveniles placed at the youth
rehabilitation and treatment centers.
3 The department shall submit a report electronically to the Clerk of the Legislature on or before December 15, 2021, and each December 15 thereafter regarding such operations plan and key performance indicators.
4 Sec. 3. Section 43-251.01, Revised Statutes Cumulative Supplement, 18 2018, is amended to read:
5 43-251.01 All placements and commitments of juveniles for evaluations or as temporary or final dispositions are subject to the following:
6 (1) No juvenile shall be confined in an adult correctional facility 7 as a disposition of the court;
8 (2) A juvenile who is found to be a juvenile as described in subdivision (3) of section 43-247 shall not be placed in an adult 9 correctional facility, the secure youth confinement facility operated by 10 the Department of Correctional Services, or a youth rehabilitation and 11 treatment center or committed to the Office of Juvenile Services;
12 (3) A juvenile who is found to be a juvenile as described in subdivision (1), (2), or (4) of section 43-247 shall not be assigned or 13 transferred to an adult correctional facility or the secure youth 14 confinement facility operated by the Department of Correctional Services;
15 (4) A juvenile under the age of fourteen years shall not be placed 16 with or committed to a youth rehabilitation and treatment center;
17 (a) Before July 1, 2019, a juvenile shall not be detained in 18 secure detention or placed at a youth rehabilitation and treatment center 19 unless detention or placement of such juvenile is a matter of immediate 20 and urgent necessity for the protection of such juvenile or the person or 21 property of another or if it appears that such juvenile is likely to flee 22 the jurisdiction of the court; and
23 (b) On and after July 1, 2019:
24 (i) A juvenile shall not be detained unless the physical safety of 25 persons in the community would be seriously threatened or detention is 26 necessary to secure the presence of the juvenile at the next hearing, as 27 evidenced by a demonstrable record of willful failure to appear at a 28 scheduled court hearing within the last twelve months;
29 (ii) A child twelve years of age or younger shall not be placed in 30 detention under any circumstances; and
31 (iii) A juvenile shall not be placed into detention:
32 (A) To allow a parent or guardian to avoid his or her legal 33 responsibility;
34 (B) To punish, treat, or rehabilitate such juvenile;
35 (C) To permit more convenient administrative access to such 36 juvenile;
37 (D) To facilitate further interrogation or investigation; or 38 (E) Due to a lack of more appropriate facilities except in case of 39 an emergency as provided in section 8 of this act;
40 (6) A juvenile alleged to be a juvenile as described in subdivision 41 (3) of section 43-247 shall not be placed in a juvenile detention 42 facility, including a wing labeled as staff secure at such facility, 43 unless the designated staff secure portion of the facility fully complies 44 with subdivision (5) of section 83-4,125 and the ingress and egress to 45 the facility are restricted solely through staff supervision; and
46 (7) A juvenile alleged to be a juvenile as described in subdivision 47 (1), (2), (3(b), or (4) of section 43-247 shall not be placed out of his 48 or her home as a dispositional order of the court unless:
49 (a) All available community-based resources have been exhausted to 50 assist the juvenile and his or her family; and
51 (b) Maintaining the juvenile in the home presents a significant risk 52 of harm to the juvenile or community.
53 Sec. 4. Section 43-401, Reissue Revised Statutes of Nebraska, is 54 amended to read:
11 43-401 Sections 43-401 to 43-424 and sections 2, 6 to 8, and 10 of
12 this act shall be known and may be cited as the Health and Human
13 Services, Office of Juvenile Services Act.
14 Sec. 5. Section 43-403, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 43-403 For purposes of the Health and Human Services, Office of
17 Juvenile Services Act:
18 (1) Aftercare means the control, supervision, and care exercised
19 over juveniles who have been paroled;
20 (2) Committed means an order by a court committing a juvenile to the
21 care and custody of the Office of Juvenile Services for treatment;
22 (3) Community supervision means the control, supervision, and care
23 exercised over juveniles committed to the Office of Juvenile Services
24 when a commitment to the level of treatment of a youth rehabilitation and
25 treatment center has not been ordered by the court;
26 (4) Emergency means a situation, including fire, flood, tornado,
27 natural disaster, or damage to a youth rehabilitation and treatment
28 center, that renders the youth rehabilitation and treatment center
29 uninhabitable. Emergency does not include inadequate staffing;
30 (5) Evaluation means assessment of the juvenile's social,
31 physical, psychological, and educational development and needs, including
32 a recommendation as to an appropriate treatment plan;
33 (6) Parole means a conditional release of a juvenile from a
34 youth rehabilitation and treatment center to aftercare or transferred to
35 Nebraska for parole supervision by way of interstate compact;
36 (7) Placed for evaluation means a placement with the Office of
37 Juvenile Services or the Department of Health and Human Services for
38 purposes of an evaluation of the juvenile; and
39 (8) Treatment means type of supervision, care, confinement, and
40 rehabilitative services for the juvenile.
41 Sec. 6. (1) The Department of Health and Human Services shall
42 develop an emergency plan for the Youth Rehabilitation and Treatment
43 Center-Geneva, the Youth Rehabilitation and Treatment Center-Kearney, and
44 any other facility being used as a youth rehabilitation and treatment
45 center and operating under state law;
46 (2) Each emergency plan shall:
47 (a) Identify and designate temporary placement facilities for the
48 placement of juveniles in the event a youth rehabilitation and treatment
49 center must be evacuated due to an emergency as defined in section
50 43-403. The administrator of a proposed temporary placement facility
51 shall consent to be designated as a temporary placement facility in the
52 emergency plan. A criminal detention facility or a juvenile detention
53 facility shall only be designated as a temporary placement facility
54 pursuant to section 8 of this act;
55 (b) Identify barriers to implementation of an effective emergency
56 plan, including necessary administrative or legislative changes;
57 (c) Include procedures for the Office of Juvenile Services to
58 provide reliable, effective, and timely notification that an emergency
59 plan is to be implemented;
60 (i) Staff at the youth rehabilitation and treatment center where the
61 emergency plan is implemented and the administrator and staff at the
62 temporary placement facility;
63 (ii) Juveniles placed at the youth rehabilitation and treatment
64 center;
65 (iii) Families and legal guardians of juveniles placed at the youth
66 rehabilitation and treatment center;
67 (iv) The State Court Administrator, in a form and manner prescribed
68 by the State Court Administrator;
69 (v) The committing court of each juvenile placed at the youth
70 rehabilitation and treatment center;
9 (vi) The chairperson of the Health and Human Services Committee of
10 the Legislature; and
11 (vii) The office of Public Counsel and the office of Inspector
12 General of Nebraska Child Welfare;
13 (d) Detail the plan for transportation of juveniles to a temporary
14 placement facility; and
15 (e) Include methods and schedules for implementing the emergency
16 plan.
17 (2) Each emergency plan shall be developed on or before October 15,
18 2020.
19 Sec. 7. (1) The Department of Health and Human Services shall
20 ensure that the administrator of each temporary placement facility
21 described in an emergency plan required under section 6 of this act
22 consents to the temporary placement of juveniles placed in such facility
23 pursuant to the emergency plan. Prior to inclusion in an emergency plan
24 as a temporary placement facility, the department and the administrator
25 of the temporary placement facility shall agree on a cost-reimbursement
26 plan for the temporary placement of juveniles at such facility.
27 (2) If an emergency plan required under section 6 of this act is
28 implemented, the Office of Juvenile Services shall, at least twenty-four
29 hours prior to implementation, if practical, and otherwise within twenty-
30 four hours after implementation of such emergency plan, notify the
31 persons and entities listed in subdivision (2)(c) of section 6 of this
32 act.
33 Sec. 8. In the event of an emergency and only after all other
34 temporary placement options have been exhausted, the Office of Juvenile
35 Services may provide for the placement of a juvenile for a period not to
36 exceed seven days at a criminal detention facility, if allowed by law, or
37 a juvenile detention facility, as such terms are defined in section
38 81-4,125.
39 Sec. 9. (1) The Department of Health and Human Services shall
40 contract for the completion of a needs assessment and cost analysis for
41 the establishment of an inpatient adolescent psychiatric unit housed
42 within the Lincoln Regional Center. The department shall contract with an
43 outside consultant with expertise in needs assessment and cost analysis
44 of health care facilities within sixty days after the operative date of
45 this section for the purpose of conducting such assessment and analysis.
46 (2) The department shall submit a report electronically to the
47 Health and Human Service Committee of the Legislature and the Clerk of
48 the Legislature on or before October 15, 2020. Such report shall contain
49 the following information:
50 (a) A needs assessment, including the number of adolescents expected
51 to use such inpatient adolescent psychiatric unit;
52 (b) The cost of opening an existing facility at the Lincoln Regional
53 Center for use as an inpatient adolescent psychiatric unit;
54 (c) The cost of reopening the facility at the Lincoln Regional
55 Center, including the costs for necessary construction, upgrades, or
56 repairs;
57 (d) Annual operating costs of such unit, including, but not limited
58 to, any federal funds available to operate the unit in addition to
59 General Fund appropriations; and
60 (e) Cost savings realized by moving adolescents from out-of-state
61 institutions back to Nebraska for treatment at such unit;
62 (3) For purposes of this section, adolescent means a person under
63 the jurisdiction of the juvenile court.
64 Sec. 10. Policies and procedures of the Department of Health and
65 Human Services regarding the transportation of juveniles placed at the
66 youth rehabilitation and treatment centers shall apply to any private
67 contractor utilized by the Office of Juvenile Services to transport
68 juveniles placed at the youth rehabilitation and treatment centers.
7 Sec. 11. The Revisor of Statutes shall assign sections 1 and 9 of
8 this act to Chapter 83, article 1.
9 Sec. 12. Sections 1, 2, and 10 of this act become operative three
10 calendar months after the adjournment of this legislative session. The
11 other sections of this act become operative on their effective date.
12 Sec. 13. Original sections 43-401 and 43-403, Reissue Revised
13 Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative
14 Supplement, 2018, are repealed.
15 Sec. 14. Since an emergency exists, this act takes effect when
16 passed and approved according to law.

LEGISLATIVE BILL 1150. Placed on General File with amendment.
AM2742
11. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 83-107.01, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 83-107.01 (1) The official names of the state institutions under
6 the supervision of the Department of Health and Human Services shall be
7 as follows: (a) Beatrice State Developmental Center, (b) Lincoln
8 Regional Center, (c) Norfolk Regional Center, (d) Hastings
9 Regional Center, (e) Youth Rehabilitation and Treatment Center-
10 Kearney, and (f) Youth Rehabilitation and Treatment Center-Geneva.
11 (2)(a) This subsection applies beginning July 1, 2021.
12 (b) Except as provided in subdivision (2)(e) of this section, so
13 long as the department operates the Youth Rehabilitation and Treatment
14 Center-Kearney, such institution shall be used for the treatment of boys
15 only.
16 (c) Except as provided in subdivision (2)(e) of this section, so
17 long as the department operates the Youth Rehabilitation and Treatment
18 Center-Geneva, such institution shall be used for the treatment of girls
19 only.
20 (d) For any other facility operated and utilized as a youth
21 rehabilitation and treatment center under state law, the department shall
22 ensure safe and appropriate gender separation.
23 (e) In the event of an emergency, the department may use either the
24 Youth Rehabilitation and Treatment Center-Kearney or the Youth
25 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
26 of both genders for up to seven days. During any such use the department
27 shall ensure safe and appropriate gender separation.
1 (f) For purposes of this section, emergency means a situation
2 including fire, flood, tornado, natural disaster, or damage to the
3 institution that renders an institution uninhabitable. Emergency does not
4 include inadequate staffing.
5 Sec. 2. Original section 83-107.01, Revised Statutes Cumulative
6 Supplement, 2018, is repealed.

LEGISLATIVE BILL 1188. Placed on General File with amendment.
AM2736 is available in the Bill Room.

(Signed) Sara Howard, Chairperson

VISITOR(S)

Visitors to the Chamber were a group from the Lincoln Council for
International Visitors from Chile, Kosovo, Libya, Moldova, Nepal, Taiwan,
and Turkey; Teta Moehs; students and teachers from Madison High School;
a group from the Cheyenne County Chamber from Sidney; students from St. John Lutheran School, Battle Creek; and students from Southwest High School, Bartley.

**RECESS**

At 11:47 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 Bolz, Brandt, Chambers, B. Hansen, Howard, and Morfeld who were excused until they arrive.

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

Senator Quick filed the following amendment to LB840: AM2770

(Amendments to E&R amendments, ER180)

1. Strike sections 4 and 5 and insert the following new sections:
2. Sec. 4. Electronic smoking device means an electronic nicotine delivery system as defined in section 28-1418.01. The term includes any such device regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor. The term also includes any substance that can be used in an electronic smoking device. The term does not include a diffuser, humidifier, or prescription inhaler.
3. Sec. 5. Electronic smoking device retail outlet means a store that:
   (1) Is licensed as provided under sections 28-1421 and 28-1422;
   (2) Sells electronic smoking devices and products directly related to electronic smoking devices;
   (3) Does not sell alcohol, groceries, or gasoline; and
   (4) Does not allow a person under the age of twenty-one years to enter such store.

**GENERAL FILE**

**LEGISLATIVE BILL 808.** Title read. Considered.

Committee AM2559, found on page 750, was offered.

Senator Lindstrom withdrew his amendment, AM2675, found on page 779.

The committee amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.
Senator Lindstrom offered his amendment, AM2750, found on page 820.

The Lindstrom amendment 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 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

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

Senator Hilgers filed the following amendment to LB996:

AM2783

1. Insert the following new section:
2. Section 1. Section 49-14,101.03, Reissue Revised Statutes of
3. Nebraska, is amended to read:
4. 49-14,101.03 (1) Any use of public resources by a public official or
5. public employee which is incidental or de minimis shall not constitute a
6. violation of section 49-14,101.01 or 49-14,101.02.
7. (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
8. resource of government, including a vehicle, shall not be considered a
9. public resource and personal use shall not be prohibited if (a) the use
10. of the resource for personal purposes is part of the public official's or
11. public employee's compensation provided in an employment contract or a
12. written policy approved by a government body and (b) the personal use of
13. the resource as compensation is reported in accordance with the Internal
14. Revenue Code of 1986, as amended, and taxes, if any, are paid. If
15. authorized by the contract or policy, the resource may be used whether or
16. not the public official or public employee is engaged in the duties of
17. his or her public office or public employment.
18. (3) Use of a government vehicle by a public official or public
19. employee to travel to a designated location or the home of the public
20. official or public employee is permissible when the primary purpose of
21. the travel serves a government purpose and the use is pursuant to a
22. written policy approved by a government body.
23. (4) Use of a government Internet network by a member of the
24. Legislature for essential personal business is permissible when the
25. member is serving in the member's official capacity and such use is
26. pursuant to a written policy approved by the Executive Board of the
27. Legislative Council.

1. (5) Pursuant to a collective-bargaining agreement, a public
2. facility may be used by a bargaining unit to meet regarding activities of
3. the union or bargaining unit. This section shall not authorize the use of
4. public resources for the purpose of campaigning for or against the
5. nomination or election of a candidate or the qualification, passage, or
6. defeat of a ballot question.
7. (6) Nothing in the Nebraska Political Accountability and
8. Disclosure Act prohibits a public official or public employee from using
9. his or her personal cellular telephone, electronic handheld device, or
10. computer to access a wireless network to which access is provided to the
11. public by a government body.
12. 2. Renumber the remaining sections and correct internal references
13. and the repealer accordingly.
Senator Blood filed the following amendment to LB790:

**AM2768**

(Amendments to E & R amendments, ER178)

1. Insert the following new section:

2. Sec. 6. The Department of Health and Human Services and Department of Veterans’ Affairs shall work jointly to encourage service providers in their respective departments and in other state and local agencies and departments to ask the question “Have you or a family member ever served in the military?” The question should be included in intake forms and interviews where appropriate, including, but not limited to, at hospitals, mental health care centers, senior centers, employment offices, courts, and schools and in encounters with law enforcement.

2. Renumber the remaining section accordingly.

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**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 335.** Introduced by Hilkemann, 4; 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; 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, The Very Reverend Craig Loya was elected the Tenth Bishop of Minnesota during the 162nd convention of the Episcopal Church in Minnesota on January 25, 2020; and

WHEREAS, Loya was born and grew up in North Platte, Nebraska; and

WHEREAS, Loya is a graduate of Hastings College with a Bachelor of Arts degree, magna cum laude, in English and Religion; and

WHEREAS, Loya received his Master of Divinity from Yale University and a diploma in Anglican Studies from the Berkeley Divinity School at Yale; and

WHEREAS, Loya is married to Melissa Tubbs Loya and the couple has two children, Mari and Asa; and

WHEREAS, Loya has served as the Dean and Rector of Trinity Episcopal Cathedral since 2013, overseeing a period of significant growth and expanded engagement with the poor and marginalized, children and families, the downtown neighborhood, and the city of Omaha; and

WHEREAS, Loya also serves as the Chaplain of Brownell Talbot school, working with children and youth at this educational institution with historic ties to the Episcopal Church; and

WHEREAS, Loya is a founder and the board president of Magdalene Omaha, a residential program for women surviving sex trafficking, and a board member of Inclusive Communities, an organization providing education and advocacy related to topics of diversity and inclusion; and
WHEREAS, Loya has served the Episcopal Diocese of Nebraska as a member of the executive committee, standing committee, and bishop and trustees committee; and
WHEREAS, Loya has demonstrated leadership in the wider Episcopal Church as a General Convention Deputy, Co-Convener of the General Convention Task Force for Re-Imagining the Episcopal Church, Co-Convener of the North American Conference of Cathedral Deans, and a member of the General Convention Task Force on Women, Truth, and Reconciliation; and
WHEREAS, Loya has served on the faculty of the Bishop Kemper School for Ministry, providing education and spiritual formation for students in the Episcopal Dioceses of Nebraska, Kansas, Western Kansas, and West Missouri.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates The Very Reverend Craig Loya on his election as the Tenth Bishop of the Episcopal Church in Minnesota and thanks him for his ministry in the State of Nebraska.
2. That a copy of this resolution be sent to The Very Reverend Craig Loya and Trinity Episcopal Cathedral.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1186. Title read. Considered.
Committee AM2554, found on page 733, was adopted with 41 ayes, 0 nays, 7 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 881. Title read. Considered.
Committee AM2628, found on page 785, was offered.
Senator Lathrop offered his amendment, AM2763, found on page 820, to the committee amendment.
The Lathrop amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

SPEAKER SCHEER PRESIDING
The committee amendment, as amended, was adopted with 33 ayes, 0 nays, and 16 present and not voting.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, and 18 present and not voting.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB963:

AMENDMENT(S)

AM2776

(Amendments to Standing Committee amendments, AM2523)
1 1. On page 2, line 20, strike "A" and insert "Until January 1, 2027.
2 g"; and in line 24 after "examination" insert "by a mental health
3 professional".
4 2. On page 4, line 19, strike "g" and insert "an independent"; and
5 after line 28 insert the following new subsection:
6 "(9) All other provisions of the Nebraska Workers' Compensation Act
7 apply to this section."

Senator McDonnell filed the following amendment to LB963:

AMENDMENT(S)

AM2734

(Amendments to Standing Committee amendments, AM2523)
1 1. Insert the following new section:
2 Sec. 2. Section 48-122, Revised Statutes Supplement, 2019, is
3 amended to read:
4 48-122 (1) If death results from injuries and the deceased employee
5 leaves one or more dependents dependent upon his or her earnings for
6 support at the time of injury, the compensation, subject to section
7 48-123, shall be not more than the maximum weekly income benefit
8 specified in section 48-121.01 nor less than the minimum weekly income
9 benefit specified in section 48-121.01, except that if at the time of
10 injury the employee receives wages of less than the minimum weekly income
11 benefit specified in section 48-121.01, then the compensation shall be
12 the full amount of such wages per week, payable in the amount and to the
13 persons enumerated in section 48-122.01 subject to the maximum limits
14 specified in this section and section 48-122.03.
15 (2) When death results from injuries suffered in employment, if
16 immediately prior to the accident the rate of wages was fixed by the day
17 or hour, or by the output of the employee, the weekly wages shall be
18 taken to be computed upon the basis of a workweek of a minimum of five
19 days, if the wages are paid by the day, or upon the basis of a workweek
20 of a minimum of forty hours, if the wages are paid by the hour, or upon
21 the basis of a workweek of a minimum of five days or forty hours,
22 whichever results in the higher weekly wage, if the wages are based on
23 the output of the employee.
24 (3) Upon the death of an employee, resulting through personal
25 injuries as defined in section 48-151, whether or not there are
26 dependents entitled to compensation, the reasonable expenses of burial,
1 not exceeding eleven thousand dollars, without deduction of any
2 amount previously paid or to be paid for compensation or for medical
3 expenses, shall be paid to his or her dependents, or if there are no
4 dependents, then to his or her personal representative. Beginning in
5 2023, the Nebraska Workers' Compensation Court shall annually adjust the
6 dollar limitation in this subsection. The adjusted limitation shall be
7 equal to the then current limitation adjusted by the greater of one
8 percent or the percentage change, for the preceding year, in the Consumer
9 Price Index for All Urban Consumers, as prepared by the United States
10 Department of Labor, Bureau of Labor Statistics. Any adjustment shall be
11 effective on July 1. The adjustment shall not exceed two and three-
12 quarters percent per annum. If the amount so adjusted is not a multiple
13 of one hundred dollars, the amount shall be rounded to the nearest
14 multiple of one hundred dollars.
15 (4) Compensation under the Nebraska Workers' Compensation Act to
16 alien dependents who are not residents of the United States shall be the
17 same in amount as is provided in each case for residents, except that at
18 any time within one year after the death of the injured employee the
19 employer may at his or her option commute all future installments of
20 compensation to be paid to such alien dependents. The amount of the
21 commuted payment shall be determined as provided in section 48-138.
22 (5)(a)(i) Except as provided in subdivision (5)(a)(ii) of this
23 section, the consular officer of the nation of which the employee, whose
24 injury results in death, is a citizen shall be regarded as the sole legal
25 representative of any alien dependents of the employee residing outside
26 of the United States and representing the nationality of the employee.
27 (ii) At any time prior to the final settlement, a nonresident alien
28 dependent may file with the Nebraska Workers' Compensation Court a power
29 of attorney designating any suitable person residing in this state to act
30 as attorney in fact in proceedings under the Nebraska Workers' Compensa-
31 tion Act. If the compensation court determines that the interests
32 of the nonresident alien dependent will be better served by such person
33 than by the consular officer, the compensation court shall appoint such
34 person to act as attorney in fact in such proceedings. In making such
35 determination the court shall consider, among other things, whether a
36 consular officer's jurisdiction includes Nebraska and the responsiveness
37 of the consular officer to attempts made by an attorney representing the
38 employee to engage such consular officer in the proceedings.
39 (b) Such consular officer or appointed person shall have in behalf
40 of such nonresident alien dependents the exclusive right to institute
41 proceedings for, adjust, and settle all claims for compensation provided
42 by the Nebraska Workers' Compensation Act and to receive the distribution
43 to such nonresident alien dependents of all compensation arising
44 thereunder.
45 (c) A person appointed under subdivision (5)(a)(ii) of this section
46 shall furnish a bond satisfactory to the compensation court conditioned
47 upon the proper application of any money received as compensation under
48 the Nebraska Workers' Compensation Act. Before the bond is discharged,
49 such appointed person shall file with the compensation court a verified
50 account of receipts and disbursements of such money.
51 (d) For purposes of this section, consular officer means a consul
52 general, vice consul general, or vice consul or the representative of any
53 such official residing within the State of Nebraska.
54 (e) The changes made to this section by Laws 2019, LB418, apply to
55 cases under the Nebraska Workers' Compensation Act that are pending on
56 September 1, 2019, and to cases filed on or after such date.
57 26. Renumber the remaining sections and correct the repealer
58 accordingly.

GENERAL FILE

LEGISLATIVE BILL 850. Title read. Considered.

Committee AM2226, found on page 514, 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 36 ayes, 0 nays, 11 present
and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 751. Title read. Considered.

SENATOR HUGHES PRESIDING

Senator Blood moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 46:

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<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Hansen, M.</th>
<th>Linehan</th>
<th>Slama</th>
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<tr>
<td>Arch</td>
<td>Crawford</td>
<td>Hilgers</td>
<td>Lowe</td>
<td>Stinner</td>
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<td>DeBoer</td>
<td>Hilkemann</td>
<td>McCollister</td>
<td>Vargas</td>
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<td>Bolz</td>
<td>Dorn</td>
<td>Howard</td>
<td>McDonnell</td>
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<td>Cavanaugh</td>
<td>Halloran</td>
<td>Lathrop</td>
<td>Quick</td>
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<tr>
<td>Chambers</td>
<td>Hansen, B.</td>
<td>Lindstrom</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Absent and not voting, 1:

Wayne

Excused and not voting, 2:

Friesen    La Grone

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Senator Quick filed the following amendment to LB911:

AM2735

1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect when
3 passed and approved according to law.
4 2. On page 2, line 7, strike the new matter and strike "a facility
5 in Sarpy County" and show as stricken; in line 21 strike "three" and show
6 as stricken; and strike lines 25 through 31 and insert the following new
7 subdivision:
8 "(b) The Director of Veterans' Affairs shall accept from the city of
9 Grand Island, at no cost, title to the former Nebraska Veterans' Memorial
10 Cemetery in the city of Grand Island and land adjacent to the cemetery."
11 as identified in the required program statement, owned by the city of
12 Grand Island, in order to establish a state cemetery for veterans and
13 qualify for funding assistance from the National Cemetery Administration.
14 Upon the effective date of this act, the city of Grand Island shall
15 provide to the Nebraska Department of Veterans' Affairs an unconditional
16 and exclusive option for the transfer of title to the real estate
17 described in this subdivision at no cost to the State of Nebraska. The
18 Director of Veterans' Affairs shall prepare an initial program statement
19 and make a request to the Legislature for funding as required by section
20 § 1108.41. The expenses of the initial program statement shall be paid
21 from the Nebraska Veteran Cemetery System Operation Fund. 2.
22 3. On page 3, strike lines 1 through 3; and in line 30 after the
23 period insert "The fund may be used for the expenses of the initial
24 program statement under subdivision (1)(b) of this section.".

Senator Hilgers filed the following amendment to LB889:
AM2690
1 1. On page 2, line 12, after the period insert "A party of record
2 for district court proceedings for review shall include any person who
3 appeared either personally or through an attorney, who was a participant
4 in the agency's contested hearing, and who was treated as a party by the
5 agency's hearing officer."

Senator Hilgers filed the following amendment to LB790:
AM2758
   (Amendments to E & R amendments, ER178)
1 1. Insert the following new section:
2 Section 1. Section 13-2903, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 13-2903 For purposes of the Political Subdivisions Construction
5 Alternatives Act:
6 (1) Construction management at risk contract means a contract by
7 which a construction manager (a) assumes the legal responsibility to
8 deliver a construction project within a contracted price to the political
9 subdivision, (b) acts as a construction consultant to the political
10 subdivision during the design development phase of the project when the
11 political subdivision's architect or engineer designs the project, and
12 (c) is the builder during the construction phase of the project;
13 (2) Construction manager means the legal entity which proposes to
14 enter into a construction management at risk contract pursuant to the
15 act;
16 (3) Design-build contract means a contract which is subject to
17 qualification-based selection between a political subdivision and a
18 design-builder to furnish (a) architectural, engineering, and related
19 design services for a project pursuant to the act and (b) labor,
20 materials, supplies, equipment, and construction services for a project
21 pursuant to the act;
22 (4) Design-builder means the legal entity which proposes to enter
23 into a design-build contract which is subject to qualification-based
24 selection pursuant to the act;
25 (5) Letter of interest means a statement indicating interest to
26 enter into a design-build contract or a construction management at risk
1 contract for a project pursuant to the act;
2 (6) Performance-criteria developer means any person licensed or any
3 organization issued a certificate of authorization to practice
4 architecture or engineering pursuant to the Engineers and Architects
5 Regulation Act who is selected by a political subdivision to assist the
6 political subdivision in the development of project performance criteria,
7 requests for proposals, evaluation of proposals, evaluation of the
8 construction under a design-build contract to determine adherence to the
9 performance criteria, and any additional services requested by the
10 political subdivision to represent its interests in relation to a
11 project;
12 (7) Political subdivision means a city, village, county, natural
13 resources district, school district, community college, or state college;
14 (8) Project performance criteria means the performance requirements
15 of the project suitable to allow the design-builder to make a proposal.
16 Performance requirements include the following, if required by the
17 project: Capacity, durability, standards, ingress and egress
18 requirements, description of the site, surveys, soil and environmental
19 information concerning the site, interior space requirements, material
20 quality standards, design and construction schedules, site development
21 requirements, provisions for utilities, storm water retention and
22 disposal, parking requirements, applicable governmental code
23 requirements, and other criteria for the intended use of the project;
24 (9) Proposal means an offer in response to a request for proposals
25 (a) by a design-builder to enter into a design-build contract for a
26 project pursuant to the Political Subdivisions Construction Alternatives
27 Act or (b) by a construction manager to enter into a construction
28 management at risk contract for a project pursuant to the act;
29 (10) Qualification-based selection process means a process of
30 selecting a design-builder based first on the qualifications of the
31 design-builder and then on the design-builder’s proposed approach to the
32 design and construction of the project;
33 (11) Request for letters of interest means the documentation or
34 publication by which a political subdivision solicits letters of
35 interest;
36 (12) Request for proposals means the documentation by which a
37 political subdivision solicits proposals; and
38 (13) School district means any school district classified under
39 section 79-102.
40 9. On page 1, line 16, strike "The" and insert "For a project
41 authorized under subsection (3) of section 13-2914, the"
42 10. On page 5, line 22, after "sections" insert "13-2903,".
43 11. 4. Renumber the remaining sections accordingly.

Senator Hilgers filed the following amendment to LB996:

AM2792

1. Insert the following new sections:
2 Section 1, Section 49-14,101.03, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 49-14,101.03 (1) Any use of public resources by a public official or
5 public employee which is incidental or de minimis shall not constitute a
6 violation of section 49-14,101.01 or 49-14,101.02.
7 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
8 resource of government, including a vehicle, shall not be considered a
9 public resource and personal use shall not be prohibited if (a) the use
10 of the resource for personal purposes is part of the public official's or
11 public employee's compensation provided in an employment contract or a
12 written policy approved by a government body and (b) the personal use of
13 the resource as compensation is reported in accordance with the Internal
14 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
15 authorized by the contract or policy, the resource may be used whether or
16 not the public official or public employee is engaged in the duties of
17 his or her public office or public employment.
18 (3) Use of a government vehicle by a public official or public
19 employee to travel to a designated location or the home of the public
20 official or public employee is permissible when the primary purpose of
21 the travel serves a government purpose and the use is pursuant to a
22 written policy approved by a government body.
23 (4) Use of a government Internet network by a member of the
24 Legislature for essential personal business is permissible when the
25 member is serving in the member’s official capacity and such use is
26 pursuant to a written policy approved by the Executive Board of the
27 Legislative Council.
28 Pursuant to a collective-bargaining agreement, a public
29 facility may be used by a bargaining unit to meet regarding activities of
30 the union or bargaining unit. This section shall not authorize the use of
31 public resources for the purpose of campaigning for or against the
32 nomination or election of a candidate or the qualification, passage, or
33 defeat of a ballot question.
34 Nothing in the Nebraska Political Accountability and
35 Disclosure Act prohibits a public official or public employee from using
36 his or her personal cellular telephone, electronic handheld device, or
37 computer to access a wireless network to which access is provided to the
38 public by a government body.
39 Sec. 4. Sections 2, 3, and 6 of this act become operative three
40 calendar months after the adjournment of this legislative session. The
41 other sections of this act become operative on their effective date.
42 Sec. 5. Original section 49-14,101.03, Reissue Revised Statutes of
43 Nebraska, is repealed.
44 Sec. 7. Since an emergency exists, this act takes effect when passed
45 and approved according to law.
46 2. Renumber the remaining sections and correct internal references
47 accordingly.

Senator Brewer filed the following amendment to LB848:

AM2751
(Amendments to Standing Committee amendments, AM2578)
1 1. Insert the following new sections:
2 Sec. 4. Section 72-2201, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 72-2201 Sections 72-2201 to 72-2214 and section 5 of this act shall
5 be known and may be cited as the Nebraska State Capitol Preservation and
6 Restoration Act.
7 Sec. 5. (1)(a) The Clerk of the Legislature shall cause to be
8 displayed within the Warner Legislative Chamber flags representing the
9 four federally recognized tribes with headquarters in Nebraska: the Omaha
10 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
11 and the Winnebago Tribe of Nebraska.
12 (b) The Commission on Indian Affairs shall obtain such flags through
13 donations from the tribes and shall be responsible for replacing such
14 flags.
15 (c) The Clerk of the Legislature shall approve placement locations
16 within the Warner Legislative Chamber. The size, proportion, and
17 placement of such flags shall be similar to that of the flag of the
18 United States and the flag of the State of Nebraska.
19 (2)(a) The State Capitol Administrator shall cause to be displayed
20 in the Memorial Chamber on the fourteenth floor of the State Capitol the
21 flags of any Indian tribes with historic and regional connections to
22 Nebraska.
23 (b) The Commission on Indian Affairs shall designate the tribes with
24 historic and regional connections to Nebraska and the flags to be
25 displayed under subdivision (2)(a) of this section. The Commission on
26 Indian Affairs shall obtain such flags through donations from the tribes
1 and shall be responsible for replacing such flags.
2 (c) The Nebraska Capitol Commission shall approve placement
3 locations in the Memorial Chamber.
4 2. Renumber the remaining section and correct the repealer
5 accordingly.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 336. Introduced by Stinner, 48.

WHEREAS, during the 2020 Nebraska State Wrestling Championships, nineteen boys from Legislative District 48 were scoring wrestlers for their teams; and

WHEREAS, Paul Garcia, Trayton Travnicek, and Mychaia Moss represented Scottsbluff High School in the Class B 2020 Nebraska State Wrestling Championships, with junior Paul Garcia winning his third individual championship, this year at 120 pounds; and

WHEREAS, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, and Marquel Maldonado represented Gering High School in the Class B 2020 Nebraska State Wrestling Championships, with Quinton Chavez winning the individual championship at 113 pounds, Nate Rocheleau winning the individual championship at 138 pounds, Paul Ruff placing second in the individual championship at 120 pounds, Jacob Awiszus placing third in the individual championship at 160 pounds, and Nate Murillo placing fourth in the individual championship at 132 pounds; and

WHEREAS, Thomas Hughson, Kadin Perez, Nicholas Coley, and Nathan Coley represented Mitchell High School in the Class C 2020 Nebraska State Wrestling Championships; and

WHEREAS, Daniel Kohel and Gabe Kohel represented Morrill High School in the Class D 2020 Nebraska State Wrestling Championships; and

WHEREAS, Ceasar Garduno, Tony Gonzales, and Haydon Olds represented Minatare High School in the Class D 2020 Nebraska State Wrestling 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, SECOND SESSION:

1. That the Legislature congratulates Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds on their hard work to compete in the 2020 Nebraska State Wrestling Championship.

2. That a copy of this resolution be sent to Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds.

Laid over.
GENERAL FILE

LEGISLATIVE BILL 760. Title read. Considered.

Committee AM2232, found on page 576, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 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.

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM2234, found on page 528, was adopted with 45 ayes, 0 nays, 2 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.

AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to LB1056: AM2795

(Amendments to Standing Committee amendments, AM2595)

1 1. On page 2, strike beginning with "sold" in line 27 through
2 "events" in line 28 and insert "purchased using a debit card".

VISITOR(S)

Visitors to the Chamber were Nicki and Ian Behmer from Lincoln; members of the Nebraska State Home Builders Association; Butch, Robert, Amy, and Larry Stanley from Big Springs; Senator Pansing Brooks's cousin, Steve Guenzel, from Lincoln; and students from Centura Elementary, Cairo.

The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

ADJOURNMENT

At 4:46 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, March 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SIXTH DAY - MARCH 6, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 2020

PRAYER

The prayer was offered by Dean Craig Loya, Trinity Episcopal Cathedral, 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 Senators Hunt and Kolowski who were excused; and Senators B. Hansen, Lathrop, Linehan, Morfeld, Scheer, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 2020, 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

Antonello, Dustin
Lincoln Independent Business Association (LIBA) (Withdrawn 02/28/2020)
SELECT FILE

LEGISLATIVE BILL 944. Senator Friesen withdrew his amendment, AM2396, found on page 669 and considered on page 690.

Senator Friesen offered his amendment, AM2612, found on page 786.

The Friesen amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Bolz offered the following amendment: AM2761

(Amendments to Standing Committee amendments, AM2307)

1. Insert the following new section:
2. Sec. 10. Section 60-331.02, Revised Statutes Cumulative Supplement, 3 2018, is amended to read:
4. 60-331.02 Handicapped or disabled person means any individual with a
5. severe visual, neurological, or physical impairment which limits personal
6. mobility and results in an inability to travel more than two hundred feet
7. without stopping or without the use of a wheelchair, crutch, walker, or
8. prosthetic, orthotic, or other assistant device, any individual whose
9. personal mobility is limited as a result of respiratory problems, any
10. individual who has a cardiac condition to the extent that his or her
11. functional limitations are classified in severity as being Class III or
12. Class IV, according to standards set by the American Heart Association,
13. and any individual who has permanently lost all or substantially all the
14. use of one or more limbs.
15. 2. On page 100, line 20, after the first comma insert "60-331.02,".
16. 3. Renumber the remaining sections and correct internal references
17. accordingly.

The Bolz amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER172, found on page 661, was adopted.

Senator Williams offered his amendment, AM2544, found on page 697.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1016. ER174, found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 858. ER176, found on page 726, was adopted.

Senator Hughes offered his amendment, AM2633, found on page 748.

The Hughes amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 790. ER178, found on page 740, was adopted.

Senator Blood offered her amendment, AM2768, found on page 842.

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

Senator Hilgers offered his amendment, AM2758, found on page 847.

The Hilgers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Pansing Brooks offered the following amendment:

AM2797

(Amendments to E & R amendments, ER178)

1. On page 3, after line 30; and page 5, after line 21, insert the following new subsection:

3 "(3) Nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under section 83-101.06 or the privatization of the administration of facilities operated by the Department of Correctional Services under section 83-171."

2. On page 5, after line 2, insert the following new paragraph:

9 "Nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under section 83-101.06 or the Department of Correctional Services under section 83-171.".

Senator Chambers offered the following motion:

MO161
Bracket until April 12, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following amendment to the Pansing Brooks amendment:

FA108

Amend AM2797
If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.
SENATOR LINDSTROM PRESIDING

Pending.

**LEGISLATIVE BILL 996.** Senator Hilgers withdrew his amendment, [AM2783](#), found on page 841.

Senator Hilgers offered his amendment, [AM2792](#), found on page 848.

The Hilgers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 997.** [ER173](#), found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1061.** [ER175](#), found on page 730, was adopted.

Senator Crawford offered her amendment, [AM2744](#), found on page 809.

**SENATOR HUGHES PRESIDING**

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1014.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 962.** [ER177](#), found on page 749, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 344.** [ER181](#), found on page 797, was adopted.

Senator Halloran offered his amendment, [AM2705](#), found on page 833.

The Halloran amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 870. Senator Clements offered his amendment, AM2613, found on page 811.

The Clements amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963. ER179, found on page 797, was adopted.

Senator McDonnell offered his amendment, AM2776, found on page 844.

SENATOR LINDSTROM PRESIDING

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

The McDonnell amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McDonnell offered his amendment, AM2734, found on page 844.

The McDonnell 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 963A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1056. Title read. Considered.

Committee AM2595, found on page 791, was offered.

Senator Lowe offered his amendment, AM2795, found on page 851, to the committee amendment.

Pending.
LEGISLATIVE BILL 632. Placed on General File with amendment.

AM2766

1. Strike the original sections and insert the following new sections:
2. Section 2-1504, Revised Statutes Cumulative Supplement, 2018, is amended to read:
   3. (1) The Nebraska Natural Resources Commission is established.
   4. The commission shall advise the department as requested by the director
   5. and shall perform such other functions as are specifically conferred on
   6. the commission by law. The commission shall have no jurisdiction over
   7. matters pertaining to water rights.
   8. (2) Each member of the commission shall be a resident of the State
   9. of Nebraska and shall have attained the age of majority. The voting
   10. members of the commission, all of whom shall have attained the age of
   11. majority, shall be:
   12. One resident of each of the following river basins, with
   13. delineations being those on the Nebraska river basin map officially
   14. adopted by the commission and on file with the department: (i) The
   15. Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
   16. River basin, (iii) the South Platte River basin, (iv) the middle Platte
   17. River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
   18. (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
   19. (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
   20. the Big Blue River basin, and (xii) the Nemaha River basin;
   21. (b) One additional resident of each river basin which encompasses
   22. one or more cities of the metropolitan class; and
   23. (c) Fourteen members appointed by the Governor, subject to
   24. confirmation by the Legislature. Of the members appointed by the
   25. Governor, one shall represent each of the following categories:
   26. Agribusiness interests; agricultural interests; ground water irrigators;
   27. irrigation districts; manufacturing interests; metropolitan utilities
   28. districts; municipal users of water from a city of the primary class;
   29. municipal users of water from a city of the first or second class or a
   30. village; outdoor recreation users; public power districts; public power
   31. and irrigation districts; range livestock owners; surface water
   32. irrigators; and wildlife conservation interests.
   33. Members of the commission described in subdivision (2)(a) of
   34. this section shall be selected for four-year terms at individual caucuses
   35. of the natural resources district directors residing in the river basin
   36. from which the member is selected. Such caucuses shall be held for each
   37. basin within ten days following the first Thursday after the first
   38. Tuesday of the year the term of office of the member from that basin
   39. expires. The dates and locations for such caucuses shall be established
   40. by the commission, and the commission shall provide notice to the public
   41. by issuing press releases for publication in a newspaper of general
   42. circulation in each county that comprises the river basin for which a
   43. caucus election will be held. Terms of office of such members shall
   44. follow the sequence originally determined by the river basin
   45. representatives to the commission at their first meeting on the third
   46. Thursday after the first Tuesday in January 1975. All river basin members
   47. shall take office on the third Thursday after the first Tuesday in
   48. January following their selection and any vacancy shall be filled for the
   49. unexpired term by a caucus held within thirty days following the date
   50. such vacancy is created. Each member of the commission representing a
   51. river basin shall qualify by filing with the other members of the
   52. commission an acceptance in writing of his or her selection.
28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
32 having the same term sequence as provided for the other members from such
33 basin under subsection (3) of this section.
34 (5) For members of the commission described in subdivision (2)(c) of
35 this section:
36 (a) The Governor shall appoint the eleven additional members added
37 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
38 additional appointments shall be for staggered four-year terms, as
39 determined by the Governor. The Governor shall also set the terms of the
40 current members of the commission appointed under such subdivision and
41 serving on April 17, 2014, to staggered four-year terms. Future
42 appointments shall be for four-year terms. Members whose terms have
43 expired shall continue to serve until their successors have been
44 appointed. In the case of a vacancy, the Governor shall appoint a
45 successor for the unexpired term. Members may be removed for cause.
46 Initial appointees shall begin serving immediately following notice of
47 the Governor, except that the member appointed representing municipal
48 users of water from the class of city or a village that is being
49 represented by the current member representing municipal users of water
50 and the members representing surface water irrigators and ground water
51 irrigators shall not begin serving until the term of the current member
52 serving the city or village or of the current member resigns or
53 otherwise removed; and
54 (b) In appointing such members, the Governor shall:
55 (i) Create a broad-based commission which has knowledge of, has
56 experience with, and is representative of Nebraska's water use and
57 economy;
58 (ii) Give recognition to the importance of both water quantity and
59 water quality; and
60 (ii) Give recognition to the importance of both water quantity and
61 water quality; and
62 (iii) Appoint members who represent diverse geographic regions of
63 the state, including urban and rural areas, and represent, to the extent
64 possible, the racial and ethnic diversity of the state.
65 (6) After the members have been appointed as required under this
66 section, the commission shall revise or adopt and promulgate rules and
67 regulations as necessary to administer the Water Sustainability Fund
68 pursuant to sections 2-1506 to 2-1513.
69 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
70 amended to read:
71 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
72 be known and may be cited as the Integrated Solid Waste Management Act.
73 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
74 amended to read:
75 13-2003 For purposes of the Integrated Solid Waste Management Act,
76 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
77 this act shall be used.
78 Sec. 4. Container means a bag, cup, can, pouch, package, container,
79 bottle, or other packaging that is (1) designed to be reusable,
80 recyclable, or single-use, (2) made of cloth, paper, plastic, including
81 foamed or expanded plastic, cardboard, corrugated material, aluminum,
82 glass, or postconsumer recycled or similar material or substrates,
83 including coated, laminated, or multilayer substrates, and (3) designed
84 for consuming, protecting, or transporting merchandise, food, or
85 beverages from or at a food service or retail facility.
86 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
87 amended to read:
88 13-2017 It is the policy of this state:
89 (1) To encourage the development of integrated solid waste
26 management programs, including waste volume reduction and recycling
27 programs and education, at the local governmental level through
28 incentives, technical assistance, grants, and other practical measures;
29 (2) To support and encourage the development of new uses and markets
30 for recycled goods, placing emphasis on the development in Nebraska of
31 businesses relating to waste reduction and recycling;
32 (3) To provide education concerning the components of integrated
33 solid waste management, at the elementary level through the high school
34 level and through community organizations, to enhance the success of
35 local programs requiring public involvement; and
36 (4) To support and encourage manufacturing methods which are
37 environmentally sustainable, technologically safe, and ecologically sound
38 and which enhance waste reduction by creating products which have longer
39 usage life and which are adaptable to secondary uses through processes
40 such as pyrolysis or biomass, require less input material, and decrease
41 resource consumption; and -
42 (5) To encourage uniform regulation of containers in order to avoid
43 the burden on retailers of having to comply with varying regulatory
44 policies in multiple jurisdictions.
45 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is
46 amended to read:
47 13-2023 (1) A county, municipality, or agency may, by ordinance or
48 resolution, adopt regulations governing collection, source separation,
49 storage, transportation, transfer, processing, treatment, and disposal of
50 solid waste within its solid waste jurisdiction area as necessary to
51 protect the public health and welfare and the environment. Regulations
52 authorized by this section shall be equal to or more stringent than the
53 provisions of the Integrated Solid Waste Management Act and rules and
54 regulations adopted and promulgated by the council as authorized by the
55 act. Any person who violates any such regulation shall be subject to a
56 noncompliance fee not to exceed five hundred dollars.
57 (2) A county, municipality, or agency shall not adopt, enforce, or
58 otherwise administer an ordinance or resolution that prohibits the use of
59 programs, except that in no event shall such programs prohibit or have
60 the effect of prohibiting the sale, use, or marketing of any containers.
61 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
62 amended to read:
63 70-1605 No public or private utility company, other than a municipal
64 utility owned and operated by a village, furnishing water, natural gas,
65 or electricity at retail in this state shall discontinue service to any
66 domestic subscriber for nonpayment of any past-due account unless the
67 utility company first gives notice to any subscriber whose service is
68 proposed to be terminated. Such notice shall be given in person, by
69 first-class mail, or by electronic delivery, except that electronic
70 delivery shall only be used if the subscriber has specifically elected to
71 receive such notices by electronic delivery. If notice is given by first-
72 class mail or electronic delivery, such notice shall be conspicuously
73 marked as to its importance. Service shall not be discontinued for at
74 least seven days after notice is sent or given. Holidays and weekends
75 shall be excluded from the seven days. A public or private utility
76 company shall not charge a fee for the discontinuance or reconnection of
77 utility service that exceeds the reasonable costs of providing such
78 service.
79 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
80 amended to read:
81 70-1606 (1) The notice required by section 70-1605 shall contain
82 the following information:
The reason for the proposed disconnection;
A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;
The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;
The domestic subscriber's right, prior to the disconnection, to request a conference regarding any dispute over such proposed disconnection;
A statement that the utility may not disconnect service pending the conclusion of the conference;
A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section, excluding holidays and weekends, and will prevent the disconnection of the utility's service for a period of at least thirty days from such filing. Only one postponement of disconnection shall be required under this subdivision for each incidence of nonpayment of any past-due account;
The cost that will be borne by the domestic subscriber for restoration of service;
A statement that the domestic subscriber may arrange with the utility for an installment payment plan;
A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard, and any additional information not inconsistent with this section which has received prior approval from the board of directors or administrative board of any utility.
A public or private utility company, other than a municipal utility owned and operated by a village, shall make the service termination information required under subdivisions (d), (e), (f), (g), (i), (j), and (k) of this section readily accessible to the public on the web site of the utility company and available by mail upon request.
The Legislature finds and declares that the State of Nebraska experienced a historic flood event in 2019. This flood event significantly impacted numerous communities and individual Nebraskans. Coordination and communication between state and local entities implementing flood mitigation strategies is essential to maximize federal funds for flood mitigation efforts.
The Department of Natural Resources shall develop a state flood mitigation plan as a stand-alone document to be annexed into the state hazard mitigation plan maintained by the Nebraska Emergency Management Agency. Such plan shall be structured in accordance with Federal Emergency Management Agency guidelines, and shall be comprehensive, collaborative, and statewide in scope with opportunities for input from diverse stakeholders. The Department of Natural Resources shall convene a plan development group which shall be housed and staffed for administrative purposes within such department. The Department of Natural Resources
shall engage with federal, state, and local agency and community stakeholders in the development of the state flood mitigation plan, including, but not limited to, the Department of Transportation, the Department of Environment and Energy, the Department of Economic Development, the Department of Agriculture, the Nebraska Emergency Management Agency, natural resources districts, the United States Department of Agriculture, the United States Army Corps of Engineers, the United States Geological Survey, the Federal Emergency Management Agency, the University of Nebraska, representatives of counties, municipalities, and other political subdivisions, and the Natural Resources Committee of the Legislature. The Department of Natural Resources may engage other sources to provide technical expertise as needed.

Sec. 12. The Department of Natural Resources shall:
1. Evaluate the flood issues that occurred in 2019, and identify cost-effective flood mitigation strategies that should be adopted to reduce the disruption of lives and livelihoods and prioritize making Nebraska communities more resilient.
2. Identify opportunities to implement flood hazard mitigation strategies with the intent to reduce the impact of flood events.
3. Work to improve knowledge and understanding of available recovery resources while identifying potential gaps in current disaster program delivery.
4. Identify potential available funding sources that can be accessed to improve the resilience of the state through flood mitigation and post-flood disaster recovery. The funding sources shall include, but not be limited to, assistance from (a) the Federal Emergency Management Agency's Flood Mitigation Assistance Grant Program, Building Resilient Infrastructure and Communities Grant Program, Hazard Mitigation Grant Program, and Individual Assistance Program, (b) the United States Department of Housing and Urban Development's Community Development Block Grant Program and Community Development Block Grant Disaster Recovery Program, and (c) programs of the United States Department of Agriculture's Natural Resources Conservation Service.
5. Identification of such funding sources shall be in addition to grants and cost-sharing programs available through other agencies that support flood hazard mitigation planning in communities.
6. Compile a centralized list of critical infrastructure and state-owned facilities and identify those with the highest risk of flooding. In compiling such list, the Department of Natural Resources shall consult and collaborate with other state and local agencies that have information that identifies vulnerable facilities.
8. Examine existing law and, if necessary, recommend statutory or administrative changes to help ensure collaboration and coordination between state and local entities in statewide flood mitigation planning.
9. Hold two public hearings, one prior to the first state flood mitigation plan development meeting and one prior to the completion of such plan. Notice of each hearing shall be published at least thirty days prior to the hearing date.
10. The state flood mitigation plan shall be completed and reported to the Governor and electronically to the Legislature on or before December 31, 2021.
LEGISLATIVE BILL  53. Indefinitely postponed.
LEGISLATIVE BILL  368. Indefinitely postponed.
LEGISLATIVE BILL  606. Indefinitely postponed.
LEGISLATIVE BILL  859. Indefinitely postponed.
LEGISLATIVE BILL  1071. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

Urban Affairs

LEGISLATIVE BILL 1003. Placed on General File with amendment. AM2651 is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 848A. 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 848, One Hundred Sixth Legislature, Second Session, 2020.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB1055:

AM2741

(Amendments to Standing Committee amendments, AM2573)
1 1. On page 12, line 31, strike "direct pecuniary fee", show as
2 stricken, and insert "payment, fee.",
3 2. On page 13, strike lines 16 through 20 and show as stricken; in
4 line 21 strike "(7)", show as stricken, and insert "(6)"; and in line 27
5 strike "(8)", show as stricken, and insert "(7)".
6 3. On page 14, line 1, strike "(9)", show as stricken, and insert
7 "(8)"; and in line 3 strike "(10)(a)"; show as stricken, and insert "(9)
8 (a)".

VISITOR(S)

Visitors to the Chamber were students and teachers from Nebraska City Middle School; a group from the Nebraska Occupational Therapy Association from across the state; students and teachers from Scottsbluff High School; students from Logan Middle School, Bellevue; Amber and Annabelle Bogle from Bennet; students from Whitetail Creek Elementary, Omaha; Senator Albrecht's family, Scott and Lisa Albrecht and children Isaac, Ben, and Evelyn Albrecht from Thurston, Laura Albrecht Fisher and children Keegan, Kylie, and Kessler from Scribner, and Andrea Albrecht Diehm from Presho, SD; and students from Lakeview Elementary, Lincoln.
The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Monday, March 9, 2020.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SEVENTH DAY - MARCH 9, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2020

PRAYER

The prayer was offered by Pastor Jeff Ryan, Three Timbers Church, Bennington.

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 Brewer, Cavanaugh, M. Hansen, McCollister, Morfeld, Slama, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755. Placed on Select File with amendment.

ER193
1 1. In the Standing Committee amendments, AM2480, on page 9, line 31, 2 strike "physician" and insert "podiatrist".
3 2. On page 1, strike lines 2 through 7 and insert "sections
5 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, 38-2056,
6 38-2001, 38-2002, 71-202.01, 71-224, 71-519, and 81-6,103, Reissue
7 Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3416.01,
8 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451,
9 Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and
10 81-3453, Revised Statutes Supplement, 2019; to change home services
11 permit provisions under the Cosmetology, Electrology, Esthetics, Nail
12 Technology, and Body Art Practice Act and the Barber Act; to change
13 physician, podiatrist, and physician assistant provisions under the
14 Medicine and Surgery Practice Act and the Podiatry Practice Act; to
15 define and redefine terms; to change membership of the Board of Medicine
16 and Surgery; to change infant screening test provisions; to change
17 provisions of a Parkinson's disease drug report; to change provisions,
18 define and redefine terms, and eliminate obsolete provisions under the
19 Engineers and Architects Regulation Act; to harmonize provisions; and to
20 repeal the original sections.”.

LEGISLATIVE BILL 899. Placed on Select File with amendment.

ER190
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 70-625, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 70-625 (1) Subject to the limitations of the petition for its
6 creation and all amendments to such petition, a public power district has
7 all the usual powers of a corporation for public purposes and may
8 purchase, hold, sell, and lease personal property and real property
9 reasonably necessary for the conduct of its business. No district may
10 sell household appliances at retail if the retail price of any such
11 appliance exceeds fifty dollars, except that newly developed electrical
12 appliances may be merchandised and sold during the period of time in
13 which any such appliances are being introduced to the public. New models
14 of existing appliances shall not be deemed to be newly developed
15 appliances. An electrical appliance shall be considered to be in such
16 introductory period of time until the particular type of appliance is
17 used by twenty-five percent of all the electrical customers served by
18 such district, but such period shall in no event exceed five years from
19 the date of introduction by the manufacturer of the new appliance to the
20 local market.
21 (2) In addition to its powers authorized by Chapter 70 and specified
22 in its petition for creation, as amended, a public power district may
23 sell, lease, and service satellite television signal descrambling or
24 decoding devices, satellite television programming, and equipment and
25 services associated with such devices and programming, except that this
26 section does not authorize public power districts (a) to provide signal
27 descrambling or decoding devices or satellite programming to any location
1 (i) being furnished such devices or programming on April 24, 1987, or
2 (ii) where community antenna television service is available from any
3 prospective, new, or expanding businesses, or corporation holding a franchise pursuant to sections
4 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on
5 April 24, 1987, or (b) to sell, service, or lease C-band satellite dish
6 systems or repair parts.
7 (3) In addition to the powers authorized by Chapter 70 and specified
8 in its petition for creation as amended, the board of directors of a
9 public power district may apply for and use funds available from the
10 United States Department of Agriculture or other federal agencies for
11 grants or loans to promote economic development and job creation projects
12 in rural areas as permitted under the rules and regulations of the
13 federal agency from which the funds are received. Any loan to be made by
14 a district shall only be made in participation with a bank pursuant to a
15 contract. The district and the participating bank shall determine the
16 terms and conditions of the contract. In addition, in rural areas of the
17 district, the board of directors of such district may provide technical
18 or management assistance to prospective, new, or expanding businesses,
19 including home-based businesses, provide assistance to a local or
20 regional industrial or economic development corporation or foundation
21 located within or contiguous to the district's service area, and provide
22 youth and adult community leadership training.
23 (4) In addition to the powers authorized by Chapter 70 and specified
24 in its petition for creation as amended, a public power district may sell
25 or lease its dark fiber pursuant to sections 86-574 to 86-578.
26 (5) In addition to the powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may develop, manufacture, use, purchase, or sell at wholesale advanced biofuels and biofuel byproducts and other fuels and fuel byproducts so long as the development, manufacture, use, purchase, or sale of such biofuels and biofuel byproducts and other fuels and fuel byproducts is done to help offset greenhouse gas emissions.

2 (6) Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act or pursuant to this section. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory.

13 Sec. 2. Original section 70-625, Reissue Revised Statutes of Nebraska, is repealed.

15 2. On page 1, line 3, strike "biofuels and biofuel" and insert "certain fuels and fuel".

LEGISLATIVE BILL 848. Placed on Select File with amendment.

ER191

1. Strike the original sections and all amendments thereto and insert the following new sections:

3 Section 1. The second Monday in October of each year shall be Indigenous Peoples' Day and Columbus Day and shall be set apart to recognize the historic, cultural, and contemporary significance of the people indigenous to the lands that are now known as the Americas, including Nebraska, and the many contributions of such people.

8 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is amended to read:

10 25-2221 Except as may be otherwise more specifically provided, the period of time within which an act is to be done in any action or proceeding shall be computed by excluding the day of the act, event, or default after which the designated period of time begins to run. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a day during which the offices of courts of record may be legally closed as provided in this section, in which event the period shall run until the end of the next day on which the office will be open. All courts and their offices may be closed on Saturdays, Sundays, and days on which a specifically designated court is closed by order of the Chief Justice of the Supreme Court, and these holidays: New Year's Day, January 1; Birthday of Martin Luther King, Jr., the third Monday in January; President's Day, the third Monday in February; Arbor Day, the last Friday in April; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Indigenous Peoples' Day and Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; the 27 day after Thanksgiving; Christmas Day, December 25; and all days declared by law or proclamation of the Governor to be holidays. Such days shall be designated as nonjudicial days. If any such holiday falls on Sunday, the following Monday shall be a holiday. If any such holiday falls on Saturday, the preceding Friday shall be a holiday. Court services shall be available on all other days. If the date designated by the state for observance of any legal holiday pursuant to this section, except Veterans Day, is different from the date of observance of such holiday pursuant to a federal holiday schedule, the federal holiday schedule shall be
9 observed.
10 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 43-4502 The purpose of the Young Adult Bridge to Independence Act is
13 to support former state or tribal wards in transitioning to adulthood,
14 becoming self-sufficient, and creating permanent relationships. The
15 bridge to independence program shall at all times recognize and respect
16 the autonomy of the young adult. Nothing in the Young Adult Bridge to
17 Independence Act shall be construed to abrogate any other rights that a
18 person who has attained eighteen or nineteen years of age may have as an
19 adult under state or tribal law;
20 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 43-4503 For purposes of the Young Adult Bridge to Independence Act:
23 (1) Age of eligibility means:
24 (a) Nineteen years of age; or
25 (b) Eighteen years of age if the young adult has attained the age of
26 majority under tribal law;
27 (2) Bridge to independence program means the extended services
28 available to a young adult under the Young Adult Bridge to
29 Independence Act other than extended guardianship assistance described in
30 section 43-4511 and extended adoption assistance described in section
31 43-4512;
32 (3) (2) Child means an individual who has not attained twenty-one
33 years of age;
34 (4) (3) Department means the Department of Health and Human
35 Services;
36 (5) (4) Supervised independent living setting means an independent
37 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
38 independent living settings shall include, but not be limited to, single
39 or shared apartments, houses, host homes, college dormitories, or other
40 postsecondary educational or vocational housing;
41 (6) (5) Voluntary services and support agreement means a voluntary
42 placement agreement as defined in 42 U.S.C. 672(f) between the department
43 and a young adult as his or her own guardian; and
44 (7) (6) Young adult means an individual who has attained the age of
45 eligibility nineteen years of age but who has not attained twenty-one
46 years of age;
47 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is
48 amended to read:
49 43-4504 The bridge to independence program is available, on a
50 voluntary basis, to a young adult:
51 (1) Who has attained the age of eligibility at least nineteen years
52 of age;
53 (2) Who was adjudicated to be a juvenile described in subdivision
54 3(a) of section 43-247 or the equivalent under tribal law or who was
55 adjudicated to be a juvenile described in subdivision (8) of section
56 43-247 or the equivalent under tribal law if the young adult's
57 guardianship or state-funded adoption assistance agreement was disrupted
58 or terminated after he or she had attained the age of sixteen years and
59 who (a) who, upon attaining the age of eligibility nineteen years of age,
60 was in an out-of-home placement or had been discharged to independent
61 living or (b) with respect to whom a kinship guardianship assistance
62 agreement or an adoption assistance agreement was in effect pursuant to
63 42 U.S.C. 673 if the young adult had attained sixteen years of age before
64 the agreement became effective or with respect to whom a state-funded
65 guardianship assistance agreement or a state-funded adoption assistance
66 agreement was in effect if the young adult had attained sixteen years of
67 age before the agreement became effective;
7 (a) Completing secondary education or an educational program leading to an equivalent credential;
9 (b) Enrolled in an institution which provides postsecondary or vocational education;
11 (c) Employed for at least eighty hours per month;
12 (d) Participating in a program or activity designed to promote employment or remove barriers to employment; or
14 (e) Incapable of doing any of the activities described in subdivisions (3)(a) through (d) of this section due to a medical condition, which incapacity is supported by regularly updated information in the case plan of the young adult;
18 (4) Who is a Nebraska resident, except that this requirement shall not disqualify a young adult who was a Nebraska resident but was placed outside Nebraska pursuant to the Interstate Compact for the Placement of Children; and
22 (5) Who does not meet the level of care for a nursing facility as defined in section 71-424, for a skilled nursing facility as defined in section 71-429, or for an intermediate care facility for persons with developmental disabilities as defined in section 71-421. The changes made to subdivision (2)(b) of this section by Laws 2015, LB243, become operative on July 1, 2015.
28 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is amended to read:
30 43-4510 (1) If desired by the young adult, the young adult shall be provided a court-appointed attorney who has received training appropriate to the role. The attorney's representation of the young adult shall be client-directed. The attorney shall protect the young adult's legal rights and vigorously advocate for the young adult's wishes and goals, including assisting the young adult as necessary to ensure that the bridge to independence program is providing the young adult with the services and support required under the Young Adult Bridge to Independence Act.
8 before the young adult attained the age of eligibility nineteen years of age, the guardianship ad litem's appointment may be continued, with consent from the young adult, but under a client-directed model of representation. Before entering into a voluntary services and support agreement and at least sixty days prior to each permanency and case review, the independence coordinator shall notify the young adult of his or her right to request a client-directed attorney if the young adult would like an attorney to be appointed and shall provide the young adult with a clear and developmentally appropriate written notice regarding the role of such attorney, and the specific steps to take to request that an attorney be appointed if the young adult would like an attorney appointed.
21 (2) The court has discretion to appoint a court appointed special advocate volunteer or continue the appointment of a previously appointed court appointed special advocate volunteer with the consent of the young adult.
25 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is amended to read:
27 43-4511 (1) The department shall provide extended guardianship assistance and medical care under the medical assistance program for a young adult who has attained the age of eligibility is at least nineteen years of age but is less than twenty-one years of age and with respect to whom a kinship guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had attained sixteen years of age before the agreement became effective or with respect to whom a state-funded guardianship assistance agreement was in effect if the young adult had attained sixteen years of age before the agreement became effective.
5 and if the young adult meets at least one of the following conditions for
6 eligibility:
7 (a) The young adult is completing secondary education or an
8 educational program leading to an equivalent credential;
9 (b) The young adult is enrolled in an institution that provides
10 postsecondary or vocational education;
11 (c) The young adult is employed for at least eighty hours per month;
12 (d) The young adult is participating in a program or activity
13 designed to promote employment or remove barriers to employment; or
14 (e) The young adult is incapable of doing any part of the activities
15 in subdivisions (1)(a) through (d) of this section due to a medical
16 condition, which incapacity must be supported by regularly updated
17 information in the case plan of the young adult.
18 (2) The guardian shall ensure that any guardianship assistance funds
19 provided by the department and received by the guardian shall be used for
20 the benefit of the young adult. The department shall adopt and promulgate
21 rules and regulations defining services and supports encompassed by such
22 benefit.
23 (3) The changes made to this section by Laws 2015, LB243, become
24 operative on July 1, 2015.
25 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 43-4512 (1) The department shall provide extended adoption
28 assistance and medical care under the medical assistance program for a
29 young adult who has attained the age of eligibility is at least nineteen
30 years of age but is less than twenty-one years of age and with respect to
31 whom an adoption assistance agreement was in effect if the young adult
32 had attained sixteen years of age before the agreement became effective
33 and who meets at least one of the following conditions of eligibility:
34 (a) The young adult is completing secondary education or an
35 educational program leading to an equivalent credential;
36 (b) The young adult is enrolled in an institution that provides
37 postsecondary or vocational education;
38 (c) The young adult is employed for at least eighty hours per month;
39 (d) The young adult is participating in a program or activity
40 designed to promote employment or remove barriers to employment; or
41 (e) The young adult is incapable of doing any part of the activities
42 in subdivisions (1)(a) through (d) of this section due to a medical
43 condition, which incapacity must be supported by regularly updated
44 information in the case plan of the young adult.
45 (2) The adoptive parent or parents shall ensure that any adoption
46 assistance funds provided by the department and received by the adoptive
47 parent shall be used for the benefit of the young adult. The department
48 shall adopt and promulgate rules and regulations defining services and
49 supports encompassed by such benefit.
50 Sec. 9. Section 62-301, Reissue Revised Statutes of Nebraska, is
51 amended to read:
52 62-301 (1) For the purposes of the Uniform Commercial Code and
53 section 62-301.01, the following days shall be holidays: New Year's Day,
54 January 1; Birthday of Martin Luther King, Jr., the third Monday in
55 January; President's Day, the third Monday in February; Arbor Day, the
56 last Friday in April; Memorial Day, the last Monday in May; Independence
57 Day, July 4; Labor Day, the first Monday in September; Indigenous
58 Peoples' Day and Columbus Day, the second Monday in October; Veterans
59 Day, November 11, and the federally recognized holiday therefor, or
60 either of them; Thanksgiving Day, the fourth Thursday in November; the
61 30 day after Thanksgiving; and Christmas Day, December 25. If any such
62 holiday falls on Sunday, the following Monday shall be a holiday. If the
63 date designated by the state for observance of any legal holiday
64 enumerated in this section, except Veterans Day, is different from the
3 date of observance of such holiday pursuant to a federal holiday 4 schedule, the federal holiday schedule shall be observed.
5 (2) Any bank doing business in this state may, by a brief written
6 notice at, on, or near its front door, fully dispense with or restrict,
7 to such extent as it may determine, the hours within which it will be
8 open for business.
9 (3) Any bank may close on Saturday if it states such fact by a brief
10 written notice at, on, or near its front door. When such bank will, in
11 observance of such a notice, not be open for general business, such day
12 shall, with respect to the particular bank, be the equivalent of a
13 holiday as fully as if such day were listed in subsection (1) of this
14 section, and any act authorized, required, or permitted to be performed
15 at, by, or with respect to such bank which will, in observance of such
16 notice, not be open for general business, acting in its own behalf or in
17 any capacity whatever, may be performed on the next succeeding business
18 day and no liability or loss of rights on the part of any person shall
19 result from such delay.
20 (4) Any bank which, by the notice provided for by subsection (3) of
21 this section, has created the holiday for such bank may, without
22 destroying the legal effect of the holiday for it and solely for the
23 convenience of its customers, remain open all or part of such day in a
24 limited fashion by treating every transaction with its customers on such
25 day as though the transaction had taken place immediately upon the
26 opening of such bank on the first following business day.
27 (5) Whenever the word bank is used in this section it includes
28 building and loan association, savings and loan association, credit
29 union, savings bank, trust company, investment company, and any other
30 type of financial institution.
31 Sec. 10. Original sections 25-2221, 43-4502, 43-4503, 43-4510,
32 43-4511, 43-4512, and 62-301, Reissue Revised Statutes of Nebraska, and
33 section 43-4504, Revised Statutes Supplement, 2019, are repealed.
34 3 2. On page 1, strike beginning with "and" in line 1 through line 3
35 and insert "; 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, and 62-301,
36 Reissue Revised Statutes of Nebraska, and section 43-4504, Revised
37 Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples' 7
38 Day and Columbus Day, to change the Young Adult Bridge to Independence
39 Act as it relates to young adult members of Indian tribes; to harmonize
40 provisions; and to repeal the original sections.”.

LEGISLATIVE BILL 247. Placed on Select File with amendment.
ER189
1 1. On page 1, line 1, strike "advance", strike "directives", and
2 after the semicolon insert "to amend sections 30-3402, 30-3405, 30-3406,
3 30-3408, and 30-3423, Reissue Revised Statutes of Nebraska;" and in line
4 2 after "Act" insert "; to change and harmonize power of attorney for
5 health care provisions; and to repeal the original sections”.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER187
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-2701, Revised Statutes Supplement, 2019, is
4 amended to read:
5 77-2701 Sections 77-2701 to 77-27,135,01, 77-27,222, 77-27,235,
6 77-27,236, 77-27,238, and 77-27,239 and section 2 of this act shall be
7 known and may be cited as the Nebraska Revenue Act of 1987.
8 Sec. 2. (1) Beginning with tax year 2021, the Tax Commissioner
9 shall include space on the individual income tax return form in which the
10 individual taxpayer may, if a refund is due, designate any amount of such
refund as a contribution to an account established under the Nebraska
educational savings plan trust.

(2) The Tax Commissioner shall determine the total amount of
contributions designated pursuant to this section each year, and the
State Treasurer shall transfer such amount from the General Fund to the
College Savings Plan Program Fund for deposit into the appropriate
accounts within the College Savings Plan Program Fund.

Sec. 3. This act becomes operative on January 1, 2021.

Sec. 4. Original section 77‑2701, Revised Statutes Supplement, 2019, is repealed.

2. On page 1, strike beginning with "the" in line 1 through line 10
and insert "revenue and taxation; to amend section 77‑2701, Revised
Statutes Supplement, 2019; to provide for contributions of income tax
refunds to accounts established under the Nebraska educational savings
plan trust; to harmonize provisions; to provide an operative date; and to
repeal the original section.".

LEGISLATIVE BILL 865A. Placed on Select File.
LEGISLATIVE BILL 797. Placed on Select File.

LEGISLATIVE BILL 832. Placed on Select File with amendment.

LEGISLATIVE BILL 1152. Placed on Select File with amendment.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 10 present
and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Committee AM2558, found on page 750, 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, 0 nays, 8 present
and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 705. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM162, found on page 488, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Murman offered the following amendment:

AM2778

(Amendments to Standing Committee amendments, AM162)

1. Strike amendment 1 and insert the following new amendment:
2. 1. Strike the original sections and insert the following new sections:
3. 4 Section 1. Section 77-1403, Reissue Revised Statutes of Nebraska, is
4. amended to read:
5. 6 77-1403 (1) Unless otherwise permitted under section 529A, the owner
6. of an account shall be the designated beneficiary of the account, except
7. that if the designated beneficiary of the account is a minor or has a
8. custodian or other fiduciary appointed for the purposes of managing such
9. beneficiary's financial affairs, a custodian or fiduciary for such
10. designated beneficiary may serve as the account owner if such form of
11. ownership is permitted or not prohibited under section 529A.
12. (2) Unless otherwise permitted under section 529A, the designated
13. beneficiary of an account shall be a resident of the state or of a
14. contracting state. The State Treasurer shall determine residency of
15. Nebraska residents for such purpose in such manner as may be required or
16. permissible under section 529A or, in the absence of any guidance under
17. section 529A, by such other means as the State Treasurer shall consider
18. advisable for purposes of satisfying the requirements of section 529A.
19. (3) To the extent permitted by federal law, upon the death of a
20. designated beneficiary of an account, the owner of the account or the
21. personal representative of the designated beneficiary may have the
22. balance of the account transferred to another account under the program
23. specified by the owner of the account, the designated beneficiary, or the
24. estate of the designated beneficiary.
25. (4) At the time an account is established under the program
26. prior to any transfer pursuant to subsection (3) of this section, the
27. State Treasurer shall notify the owner of the account, the designated
28. beneficiary, and the estate of the designated beneficiary, if applicable,
29. of the potential tax consequences of transferring funds pursuant to
30. subsection (3) of this section.
31. (5) Upon the death of a designated beneficiary and after the
32. Department of Health and Human Services has received approval from the
33. Centers for Medicare and Medicaid Services of the United States
34. Department of Health and Human Services:
35. (a) The state shall not seek recovery of any amount remaining in the
36. account of the designated beneficiary for any amount of medical
37. assistance received by the designated beneficiary or his or her spouse or
38. dependent under the medical assistance program pursuant to the Medical
39. Assistance Act after the establishment of the account; and
40. (b) The state shall not file a claim for the payment under
41. subdivision (f) of section 529A of the Internal Revenue Code, as amended.
42. Sec. 2. Original section 77-1403, Reissue Revised Statutes of
43. Nebraska, is repealed.

The Murman amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR328 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR328.

GENERAL FILE

LEGISLATIVE BILL 1028. Title read. Considered.

Committee AM2525, found on page 776, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

LEGISLATIVE BILL 1130. 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 911. Title read. Considered.

Senator Quick withdrew his amendment, AM2735, found on page 846.

Senator Quick offered the following amendment:

AM2818

1. Insert the following new section:
2. Sec. 5. Since an emergency exists, this act takes effect when
3. passed and approved according to law.
4. On page 2, line 7, strike the new matter and strike "a facility
5. in Sarpy County" and show as stricken; in line 21 strike "three" and show
6. as stricken; and strike lines 25 through 31 and insert the following new
7. subdivision:
8. "(b) Beginning on the effective date of this act, the Director of
9. Veterans' Affairs shall negotiate with the city of Grand Island to
10. acquire an exclusive option for the transfer of title to the former
11. Nebraska Veterans' Memorial Cemetery in the city of Grand Island and land
12. adjacent to the cemetery, as identified in the required program
13. statement, owned by the city of Grand Island. After being granted funding
14. assistance from the National Cemetery Administration, the director shall
15. accept from the city of Grand Island, at no cost, title to the real
16. estate described in this subdivision in order to establish a state
17. cemetery for veterans. The director shall prepare an initial program
18. statement and make a request to the Legislature for funding as required
19 by section 81-1108.41. The expenses of the initial program statement
20 shall be paid from the Nebraska Veteran Cemetery System Operation Fund."
21 3. On page 3, strike lines 1 through 3; and in line 30 after the
22 period insert "The fund may be used for the expenses of the initial
23 program statement under subdivision (1)(b) of this section."

The Quick amendment was adopted with 38 ayes, 0 nays, 10 present and not
voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present
and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Senator Hilgers offered his amendment, AM2690, found on page 847.

The Hilgers 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 35 ayes, 0 nays, 13 present
and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1166. Title read. Considered.

Committee AM2310, found on page 558, was adopted with 38 ayes, 0 nays,
10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present
and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1080. 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 1185. Title read. Considered.

Committee AM2668, found on page 788, 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 35 ayes, 0 nays, 12 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1060. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Pending.
Senator Lathrop filed the following amendment to LB1148:

AMENDMENT(S) - Print in Journal

AM2810
(Amendments to Standing Committee amendments, AM2637)

1. On page 33, lines 24 through 28, strike the new matter.

Senator Hughes filed the following amendment to LB803:

AM2772

1. On page 3, strike beginning with "Voting" in line 23 through the 2 period in line 25.

3. On page 4, lines 19 and 20, strike "actual and necessary".

4. On page 5, line 2, insert "voting" before each occurrence of 5 "members".

6. On page 6, line 5, strike "program" and insert "Pulse Crop 7 Resources Act".

8. On page 7, line 22, after "Nebraska" insert "during the prior 9 month".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1060.

VISITOR(S)

Visitors to the Chamber were students and teachers from Morrill Public Schools; students from St. Thomas More Catholic School, Omaha; students from Everett Elementary, Park Middle School, Scott Middle School, Lincoln High, Lincoln Northeast, and Lincoln Southwest; students from Trumble Park Elementary, Papillion; and group of Lincoln and Omaha area teachers.

RECESS

At 11:52 a.m., on a motion by Senator Kolowski, 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 Arch, Bolz, Brewer, Hil kemann, Lowe, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.
LEGISLATIVE BILL 1060. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

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

Voting in the affirmative, 26:

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

Voting in the negative, 9:

Albrecht  Erdman    Hilgers    La Grone    Murman
Bostelman Hansen, B. Hughes    Moser

Present and not voting, 10:

Arch      Clements  Geist      Halloran    Stinner
Briese    Friesen  Gragert    Slama       Williams

Excused and not voting, 4:

Brewer    Groene    Linehan    Lowe

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
   Executive Board

LEGISLATIVE BILL 1207. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment.

AM2805

1. Strike the original sections and insert the following new sections:
2
3 Section 1. Section 72-2201, Reissue Revised Statutes of Nebraska, is amended to read:
4 72-2201 Sections 72-2201 to 72-2214 and section 2 of this act shall
5 be known and may be cited as the Nebraska State Capitol Preservation and
Restoration Act.
Sec. 2. (1)(a) The Clerk of the Legislature shall cause to be displayed within the Warner Legislative Chamber flags representing the four federally recognized tribes with headquarters in Nebraska: the Omaha Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation, and the Winnebago Tribe of Nebraska. (b) The Commission on Indian Affairs shall obtain such flags, as well as poles and bases, through donations from the tribes. The Commission on Indian Affairs shall be responsible for replacing such flags, poles, and bases. (c) The Clerk of the Legislature shall approve placement locations within the Warner Legislative Chamber. The size, proportion, and placement of such flags shall be similar to that of the flag of the United States and the flag of the State of Nebraska.

(2)(a) The State Capitol Administrator shall cause to be displayed in the Memorial Chamber on the fourteenth floor of the State Capitol the flags of any Indian tribes with historic and regional connections to Nebraska. (b) The Commission on Indian Affairs shall designate the tribes with historic and regional connections to Nebraska and the flags to be displayed under subdivision (2)(a) of this section. The Commission on Indian Affairs shall be responsible for replacing such flags, poles, and bases. (c) The Nebraska Capitol Commission shall approve placement locations in the Memorial Chamber.

Sec. 3. Original section 72-2201, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1144. Placed on General File with amendment. AM2785 is available in the Bill Room.

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Title read. Considered.

Committee AM2607, found on page 809, was offered.

SENATOR HUGHES PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the committee amendment. Voting in the affirmative, 45:
Albrecht  Clements  Hansen, B.  La Grone  Quick
Arch  Crawford  Hansen, M.  Lathrop  Scheer
Blood  DeBoer  Hilgers  Lindstrom  Slama
Bolz  Dorn  Hilkemann  McCollister  Stinner
Bostelman  Erdman  Howard  McDonnell  Vargas
Brandt  Friesen  Hughes  Morfeld  Walz
Briese  Geist  Hunt  Moser  Wayne
Cavanaugh  Gragert  Kolowski  Murman  Williams
Chambers  Halloran  Kolterman  Pansing Brooks  Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer  Groene  Linehan  Lowe

The committee amendment was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Brandt filed the following amendment to LB1188:

AM2769

(Amendments to Standing Committee amendments, AM2736)
1 1. Insert the following new section:
2 Sec. 17. Section 83-107.01, Revised Statutes Cumulative Supplement, 3 2018, is amended to read:
4 83-107.01  (1) The official names of the state institutions under 5 the supervision of the Department of Health and Human Services shall be 6 as follows: (a) Beatrice State Developmental Center, (b) Lincoln 7 Regional Center, (c) Norfolk Regional Center, (d) Hastings 8 Regional Center, (c) Youth Rehabilitation and Treatment Center- 9 Kearney, and (f) Youth Rehabilitation and Treatment Center-Geneva. 10 (2)(a) This subsection applies beginning July 1, 2021. 11 (b) Except as provided in subdivision (2)(c) of this section, so 12 long as the department operates the Youth Rehabilitation and Treatment 13 Center-Kearney, such institution shall be used for the treatment of boys 14 only.
15 (c) Except as provided in subdivision (2)(c) of this section, so 16 long as the department operates the Youth Rehabilitation and Treatment 17 Center-Geneva, such institution shall be used for the treatment of girls 18 only.
19 (d) For any other facility operated and utilized as a youth 20 rehabilitation and treatment center under state law, the department shall 21 ensure safe and appropriate gender separation.
22 (e) In the event of an emergency, the department may use either the 23 Youth Rehabilitation and Treatment Center-Kearney or the Youth 24 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles 25 of both genders for up to seven days. During any such use the department 26 shall ensure safe and appropriate gender separation.
For purposes of this section, emergency means a situation including fire, flood, tornado, natural disaster, or damage to the institution that renders an institution uninhabitable. Emergency does not include inadequate staffing.

2. Renumber the remaining sections and correct the repealer accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1055. Placed on Select File with amendment. ER195 is available in the Bill Room.

LEGISLATIVE BILL 808. Placed on Select File with amendment. ER196 is available in the Bill Room.

LEGISLATIVE BILL 1186. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File with amendment. ER197

1. On page 1, strike beginning with "criminal" in line 1 through 2 sections 27-1103 and 29-1406, Reissue Revised Statutes of Nebraska, 3 sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264, 5 and 29-3005, Revised Statutes Cumulative Supplement, 2018, and section 6 29-1823, Revised Statutes Supplement, 2019; to require cities of the 7 primary class and metropolitan class to make an annual report on the 8 number of untested sexual assault evidence collection kits; to provide 9 for the admission of expert testimony on eyewitness identification and 10 memory as prescribed; to change provisions relating to bail; to require 11 appointment of counsel as prescribed; to change provisions relating to 12 grand jury transcripts and competency for criminal proceedings; to 13 provide powers for the Department of Health and Human Services; to change 14 provisions relating to alternate jurors; to state intent regarding 15 construction; to prohibit holding a defendant in custody awaiting trial 16 beyond a prescribed period; to change provisions relating to collection 17 of fines and costs and setting aside convictions; to provide for 18 applicability; to harmonize provisions; to provide a duty for the Revisor 19 of Statutes; and to repeal the original sections*.

LEGISLATIVE BILL 850. Placed on Select File with amendment. ER194

1. On page 1, line 3, strike "a duty" and insert "duties".

LEGISLATIVE BILL 751. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Senator Chambers offered the following motion: MO162

Indefinitely postpone.
Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 912.** Title read. Considered.

Committee AM2620, found on page 785, was offered.

Senator La Grone requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2832 is available in the Bill Room.

The second committee amendment is as follows:

AM2831 (Amendments to Standing Committee amendments, AM2620)

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

2. Strike the original sections and all amendments thereto and

3. insert the following new section:

4. Sec. 14, Section 25-21,185.11, Reissue Revised Statutes of Nebraska, is amended to read:

6. 25-21,185.11 (1) A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable shall discharge that person from all liability to the claimant but shall not discharge any other persons liable upon the same claim unless it so provides. The claim of the claimant against other persons liable shall be reduced by the amount of the released person's share of the obligation as determined by the trier of fact.

11. (2) A release, covenant not to sue, or similar agreement entered into by a claimant and one or more persons liable shall not abrogate the joint and several liability of any other person or persons liable upon the same claim.

The first committee amendment, AM2832, found in this day's Journal, was offered.

The first committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The second committee amendment, AM2831, found in this day's Journal, was offered.

**SPEAKER SCHEER PRESIDING**

Pending.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 337. Introduced by Brandt, 32.

PURPOSE: It has been ten years since Legislative Resolution 42 (2009) first explored the statewide economic and educational potential of a "farm to school" program in Nebraska. In the intervening decade, notable progress has been made in instituting the methods and systems necessary to assist Nebraska producers in providing local schools with fresh and minimally processed foods for school meals and snacks. The addition of a local foods coordinator and introduction of "Nebraska Thursdays" and "Harvest of the Month" programs from the Department of Education have resulted in more school districts sourcing from local farmers and market gardeners. Interest has increased on the federal level as well, with the United States Department of Agriculture's Farm to School Grant Program receiving more requests than it has available funding, and additional federal legislation currently under consideration by Congress, the "Farm to School Act" and the "Kids Eat Local Act", both cosponsored by Rep. Jeff Fortenberry. A follow-up legislative interim study examining the status of Nebraska's farm to school activities and the needs of the stakeholders involved shall ensure that the necessary coordination and strategic planning is in place for further growth.

This interim study shall reexamine which Nebraska-grown food products can feasibly be used for school meals and snacks, including use of appropriate preservation methods of local foods by school nutrition staff for use later in the school year, and shall review existing regulations of the Department of Agriculture, Department of Education, Department of Health and Human Services, and other authorities that may impact the supply of Nebraska-grown foods provided to local schools. In addition, the study shall assemble a catalog of where farm to school activities are happening in the state, along with volume and cost totals for foods locally sourced, to provide insight into best practices as well as barriers that are impeding participation.

To reflect the interests and needs of the various stakeholders concerned with creating successful statewide farm to school opportunities, this interim study shall include input from:

1. Producers of agricultural products marketed at Nebraska food markets, including producers of fruits and vegetables, agricultural protein products, and grains;
2. Suppliers of agricultural products, including grocers and school suppliers;
3. Meat processors;
4. Food distributors;
5. Food assistance agencies;
6. Resource conservation and development organizations;
7. Representatives of school food services from rural and urban public school districts;
8. Representatives from a summer food service program and from a child and adult care food program;
9. Tribal organizations;
An agricultural education extension organization;
(11) A member-based agricultural marketing promotion and education program;
(12) Representatives from the Department of Agriculture, State Department of Education, and Department of Health and Human Services; and
(13) Any other interested parties or organizations.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 Legislature.

Referred to the Executive Board.

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

Senator Wayne filed the following amendment to LB918:

**AM2622**

1 1. On page 4, strike beginning with "in" in line 4 through line 5 and insert "of areas such as government contracting, health, education, and other relevant areas on or before December 1, 2022, and on or before December 1 of every fifth year thereafter".

Senator Slama filed the following amendment to LB1198:

**AM2842**

1 1. Insert the following new sections:
2 Sec. 2. There is hereby appropriated $125,000 from the General Fund for FY 2019-20 to the Department of Natural Resources, for Program 334, to be used to provide a grant to a city with a population of less than one thousand residents to carry out an engineering study to develop cost estimates for repair of a breached levee system that resulted in the flooding of drinking water and wastewater treatment facilities.
3 Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Hunt filed the following amendment to LB780:

**AM2838**

1 1. Insert the following new sections:
2 Section 1. Section 82-312, Reissue Revised Statutes of Nebraska, is amended to read:
3 (1) To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein;
4 (2) To make such surveys as may be deemed advisable of public and private institutions within the state engaged in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
15 (3) To take such steps as may be necessary and appropriate to
encourage public interest in the cultural heritage of our state and to
expand the state's cultural resources; and
18 (4) To encourage and assist freedom of artistic expression essential
for the well-being of the arts; and
20 (5) To recommend to the Legislature a plan to divide the state into
creative districts and certify them based on geographically contiguous
area, artistic or cultural activities or facilities, promotion and
preservation of artistic or cultural sites or events, educational uses of
artistic or cultural activities or sites, and unique or niche areas,
activities, events, facilities, or sites.
26 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is
amended to read:
1 82‑313 (1) The Nebraska Arts Council may:
2 (a) Hold public and private hearings;
3 (b) Enter into contracts, within the limit of funds
4 available therefor, with individuals, organizations, and institutions for
5 services furthering the educational objectives of the council's
6 programs;*
7 (c) Enter into contracts, within the limit of funds
8 available therefor, with local and regional associations for cooperative
endeavors furthering the educational objectives of the council's
9 programs;*
10 (d) Accept gifts, contributions, and bequests of
12 unrestricted funds from individuals, foundations, corporations, and other
13 organizations or institutions for the purpose of furthering the
14 educational objectives of the council's programs;*
15 (e) Distribute funds appropriated by the Legislature
16 to any organization which has been designated as the state affiliate of
17 the National Endowment for the Humanities for the period covered by the
18 appropriation;*
19 (f) Make and sign any agreements and do and perform any
20 acts that may be necessary to carry out the purposes of sections 82-309
21 to 82-316;*
22 (g) Enter into contracts, make and sign any agreements,
23 and perform any acts that may be necessary to stabilize funding for the
24 arts and humanities and to carry out the intent of sections 82-330 to
25 82-333;*
26 (h) Prepare a plan that would permit, to the extent that funds are
27 available, the establishment of a competitive grant program to award a
28 grant to any creative district that is certified pursuant to the plan
29 adopted by the Legislature under subdivision (5) of section 82-312 and
30 that meets the criteria for the competitive grant, including eligibility
31 criteria, application and appeal processes, conditions on receipt of a
grant, and consequences of failure to meet the conditions; and
2 (i) Adopt and promulgate rules and regulations to
3 carry out its powers and duties.
4 (2) The council may request from any department, division, board,
bureau, commission, or agency of the state such assistance and data as
will enable it properly to carry out its powers and duties.
7 Sec. 4. Sections 1, 2, and 5 of this act become operative three
8 calendar months after the adjournment of this legislative session. The
9 other sections of this act become operative on their effective date.
10 Sec. 5. Original sections 82-312 and 82-313, Reissue Revised
11 Statutes of Nebraska, are repealed.
12 2. Renumber the remaining sections accordingly.
BILL ON FIRST READING

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

LEGISLATIVE BILL 255A. 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 255, One Hundred Sixth Legislature, Second Session, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB931.
Senator Hunt name added to LB1060.
Senator Blood name added to LB1183.

VISITOR(S)

Visitors to the Chamber were Kendal Wahlgren from Gothenburg; and Riek Bol and Azcia Fleming from Lincoln.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature
THIRTY-EIGHTH DAY - MARCH 10, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 2020

PRAYER

The prayer was offered by Pastor Michael Warrick, Enduring Faith Christian Center, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:20 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Blood and Brewer who were excused; and Senators M. Hansen, Pansing Brooks, Quick, Slama, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 1008. Placed on General File with amendment. AM2737 is available in the Bill Room.

LEGISLATIVE BILL 1009. Placed on General File with amendment. AM2738

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The State Treasurer shall transfer three million eight
4 hundred thousand dollars from the General Fund to the Critical
5 Infrastructure Facilities Cash Fund on or before June 30, 2020, on such
6 date as directed by the budget administrator of the budget division of
7 the Department of Administrative Services.
8 Sec. 2. Section 9-1,101, Revised Statutes Supplement, 2019, is
9 amended to read:
10 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
11 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
12 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
13 9-701 shall be administered and enforced by the Charitable Gaming
14 Division of the Department of Revenue, which division is hereby created.
15 The Department of Revenue shall make annual reports to the Governor,
16 Legislature, Auditor of Public Accounts, and Attorney General on all tax
17 revenue received, expenses incurred, and other activities relating to the
18 administration and enforcement of such acts. The report submitted to the
19 Legislature shall be submitted electronically.
20 (2) The Charitable Gaming Operations Fund is hereby created. Any
21 money in the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.
24 (3)(a) Forty percent of the taxes collected pursuant to sections
25 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
26 Operations Fund to the Compulsive Gamblers Assistance Fund, except that
27 subsection (1) of this section and providing administrative support for
28 the Nebraska Commission on Problem Gambling. The remaining sixty percent
29 shall be transferred to the General Fund. Any portion of the forty
30 percent not used by the division in the administration and enforcement of
31 such acts and section shall be distributed as provided in this
32 subsection.
33 (b) Beginning July 1, 2019, through June 30, 2021, on or before the
34 last day of the last month of each calendar quarter, the State Treasurer
35 shall transfer one hundred thousand dollars from the Charitable Gaming
36 Operations Fund to the Compulsive Gamblers Assistance Fund. Beginning
37 July 1, 2021, on or before November 1 each year, the State Treasurer
38 shall transfer one hundred thousand dollars from the Charitable Gaming
39 Operations Fund to the Compulsive Gamblers Assistance Fund, except that
40 no transfer shall occur if the Charitable Gaming Operations Fund contains
41 less than one hundred thousand dollars.
42 (c) Any money remaining in the Charitable Gaming Operations Fund
43 after the transfer pursuant to subdivision (b) of this subsection not
44 used by the Charitable Gaming Division in its administration and
45 enforcement duties pursuant to this section may be transferred to the
46 General Fund and the Compulsive Gamblers Assistance Fund at the direction
47 of the Legislature.
48 (4) The Tax Commissioner shall employ investigators who shall be
49 vested with the authority and power of a law enforcement officer to carry
50 out the laws of this state administered by the Tax Commissioner or the
51 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
52 to possession of a gambling device. For purposes of enforcing sections
53 28-1101 to 28-1117, the authority of the investigators shall be limited
54 to investigating possession of a gambling device, notifying local law
55 enforcement authorities, and reporting suspected violations to the county
56 attorney for prosecution.
57 (5) The Charitable Gaming Division may charge a fee for publications
58 and listings it produces. The fee shall not exceed the cost of
59 publication and distribution of such items. The division may also charge
60 a fee for making a copy of any record in its possession equal to the
61 actual cost per page. The division shall remit the fees to the State
62 Treasurer for credit to the Charitable Gaming Operations Fund.
63 (6) For administrative purposes only, the Nebraska Commission on
64 Problem Gambling shall be located within the Charitable Gaming Division.
65 The division shall provide office space, furniture, equipment, and
66 stationery and other necessary supplies for the commission. Commission
67 staff shall be appointed, supervised, and terminated by the director of
68 the Gamblers Assistance Program pursuant to section 9-1004.
69 Sec. 3. Section 13-2704, Revised Statutes Supplement, 2019, is
70 amended to read:
71 (1) The Civic and Community Center Financing Fund is
72
14 created. The fund shall be administered by the department. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act. Transfers may be made from the fund
18 to the General Fund, the Department of Revenue Enforcement Fund, and the
19 State Colleges Sport Facilities Cash Fund at the direction of the
20 Legislature.
21 (2)(a) The department shall use the Civic and Community Center
22 Financing Fund for the following purposes:
23 (i) For grants of assistance as described in section 13-2704.01;
24 (ii) For grants of assistance as described in section 13-2704.02;
25 and
26 (iii) For reasonable and necessary costs of the department directly
27 related to the administration of the fund, not to exceed the amount
28 needed to employ one half full-time equivalent employee.
29 (b) Grants of assistance shall not be used for programming,
30 marketing, advertising, or facility-staffing activities.
31 (3) The State Treasurer shall transfer two hundred fifty thousand
1 dollars from the Civic and Community Center Financing Fund to the State
2 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.
3 Commencing October 1, 2015, and every year thereafter, the State
4 Treasurer shall transfer three hundred thousand dollars from the Civic
5 and Community Center Financing Fund to the State Colleges Sport
6 Facilities Cash Fund.
7 Sec. 4, Section 61-222, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 61-222 The Water Sustainability Fund is created in the Department of
10 Natural Resources. The fund shall be used in accordance with the
11 provisions established in Laws 2014, LB1098, and for costs directly
12 related to the administration of the fund, except that transfers may be
13 made from the fund as provided in this section.
14 The fund shall consist of money transferred to the fund by the
15 Legislature, other funds as appropriated by the Legislature, and money
16 donated as gifts, bequests, or other contributions from public or private
17 entities. Funds made available by any department or agency of the United
18 States may also be credited to the fund if so directed by such department
19 or agency. Any money in the fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska Capital
21 Expansion Act and the Nebraska State Funds Investment Act. Investment
22 earnings from investment of money in the fund shall be credited to the
23 fund.
24 It is the intent of the Legislature that twenty-one million dollars
25 be transferred from the General Fund to the Water Sustainability Fund in
26 fiscal year 2014-15 and that eleven million dollars be transferred from
27 the General Fund to the Water Sustainability Fund each fiscal year
28 beginning in fiscal year 2015-16. It is the intent of the Legislature
29 that three million dollars be transferred annually from the Water
30 Sustainability Fund to the Nebraska Resources Development Fund in
31 FY2015-16 and in FY2016-17.
1 The State Treasurer shall transfer one hundred seventy-five thousand
2 dollars from the Water Sustainability Fund to the Department of Natural
3 Resources Cash Fund on or before June 30, 2020, on such dates and in such
4 amounts as directed by the budget administrator of the budget division of
5 the Department of Administrative Services.
6 The State Treasurer shall transfer four hundred twenty-five thousand
7 dollars from the Water Sustainability Fund to the Department of Natural
8 Resources Cash Fund on or before June 30, 2021, on such dates and in such
9 amounts as directed by the budget administrator of the budget division of
10 the Department of Administrative Services.
11 The State Treasurer shall transfer five hundred thousand dollars
12 from the Water Sustainability Fund to the General Fund on or before June
13 30, 2021, on such dates and in such amounts as directed by the budget
14 administrator of the budget division of the Department of Administrative
15 Services.
16 Sec. 5. Section 61-224, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 61-224 There is hereby created the Critical Infrastructure
19 Facilities Cash Fund in the Department of Natural Resources. The fund
20 shall consist of funds appropriated or transferred by the Legislature.
21 The fund shall be used by the Department of Natural Resources [1] to
22 provide a grant to a natural resources district to offset costs related
23 to soil and water improvements intended to protect critical
24 infrastructure facilities within the district which includes military
25 installations, transportation routes, and wastewater treatment facilities
26 and (2) to provide a grant to an irrigation district for reimbursement of
27 costs related to temporary repairs to the main canal and tunnels of an
28 interstate irrigation system which experienced a failure. Any funds
29 remaining after all such project costs have been completely funded shall
30 be transferred to the General Fund. Transfers may be made from the
31 Critical Infrastructure Facilities Cash Fund to the General Fund at
32 the direction of the Legislature. The State Treasurer shall transfer
33 three hundred eighty-four thousand two hundred twenty-two dollars plus
34 any accrued interest through April 5, 2018, from the Critical
35 Infrastructure Facilities Cash Fund to the General Fund on or before June
36 30, 2019, on such dates and in such amounts as directed by the budget
37 administrator of the budget division of the Department of Administrative
38 Services. Any money in the Critical Infrastructure Facilities Cash Fund
39 available for investment shall be invested by the state investment
40 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
41 State Funds Investment Act, and any interest earned by the fund shall be
42 credited to the General Fund.
43 Sec. 6. Original sections 61-222 and 61-224, Reissue Revised
44 Statutes of Nebraska, and sections 9-1,101 and 13-2704, Revised Statutes
45 Supplement, 2019, are repealed.
46 Sec. 7. The following section is outright repealed: Section 46-752,
47 Reissue Revised Statutes of Nebraska.
48 Sec. 8. Since an emergency exists, this act takes effect when
49 passed and approved according to law.

(Signed) John Stinner, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 6, 2020

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 Racing Commission:

Shelby Bakenhus, 38578 490th Avenue, Saint Edward, NE 68660
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

GENERAL FILE

LEGISLATIVE BILL 912. The second committee amendment, AM2831, found on page 881, was renewed.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

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

Senator Lathrop requested a roll call vote on the second committee amendment.

Voting in the affirmative, 21:

Bolz  DeBoer  Kolterman  Pansing Brooks  Wishart
Brandt  Hansen, M.  Lathrop  Quick
Cavanaugh  Howard  McCollister  Vargas
Chambers  Hunt  McDonnell  Walz
Crawford  Kolowski  Morfeld  Wayne

Voting in the negative, 24:

Albrecht  Dorn  Groene  La Grone  Murman
Arch  Erdman  Halloran  Lindstrom  Scheer
Bostelman  Friesen  Hansen, B.  Linehan  Stinner
Briese  Geist  Hilgers  Lowe  Williams
Clements  Gragert  Hilkemann  Moser

Excused and not voting, 4:

Blood  Brewer  Hughes  Slama

The second committee amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the call raised.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB219:

AM2812

(Amendments to E & R amendments, ER166)

1. Strike section 3 and insert the following new sections:
2. Sec. 3. Section 68-1212, Revised Statutes Supplement, 2019, is amended to read:
4. 68-1212 (1) Except as provided in subsection (2) of this section, 5 for all cases in which a court has awarded a juvenile to the care of the 6 Department of Health and Human Services according to subsection (1) of 7 section 43-285 and for any noncourt and voluntary cases, the case manager 8 shall be an employee of the department. Such case manager shall be 9 (a) responsible for and shall directly oversee: Case planning; service 10 authorization; investigation of compliance; monitoring and evaluation of 11 the care and services provided to children and families; and 12 decisionmaking regarding the determination of visitation and the care, 13 placement, medical services, psychiatric services, training, and 14 expenditures on behalf of each juvenile under subsection (1) of section 15 43-285. Such case manager shall be responsible for decisionmaking and 16 direct preparation regarding the proposed plan for the care, placement, 17 services, and permanency of the juvenile filed with the court required 18 under subsection (2) of section 43-285. The health and safety of the 19 juvenile shall be the paramount concern in the proposed plan in 20 accordance with such subsection.
21 (2) The department may contract with a lead agency for a case.
22 Management lead agency model pilot project in the department's eastern 23 service area as designated pursuant to section 81-3116. The department 24 shall include in the pilot project the appropriate conditions, 25 performance outcomes, and oversight for the lead agency, including, but 26 not be limited to:
1. (a) The reporting and survey requirements of lead agencies described 2. in sections 43-4406 and 43-4407;
3. (b) Departmental monitoring and functional capacities of lead 4. agencies described in section 43-4408;
5. (c) The key areas of evaluation specified in subsection (3) of 6. section 43-4409;
7. (d) Compliance and coordination with the strategic child welfare 8. priorities determined by the Nebraska Children's Commission as provided 9. in section 43-4204; and 10. (e) Assurance of financial accountability and reporting by the lead 11. agency.
12. (3) A lead agency contracted to provide community-based care for 13. children and families shall:
14. (a) Have a board of directors of which at least fifty-one percent of 15. the membership is comprised of Nebraska residents who are not employed by 16. the lead agency or by a subcontractor of the lead agency;
17. (b) Demonstrate readiness shown by the completion of Complete a 18. readiness assessment as developed by the Department of Health and Human 19. Services to determine the lead agency's viability. The readiness 20. assessment shall evaluate organizational, operational, and programmatic 21. capabilities and performance, including readiness reviews of: The strength 22. and viability of the board of directors; compliance and oversight; financial risk 23. management; financial liquidity and performance; infrastructure
24 maintenance; funding sources, including state, federal, and external
25 private funding; and operations, including reporting, staffing,
26 evaluation, training, supervision, contract monitoring, and program
27 performance tracking capabilities;
28 (c) Have the ability to provide directly or by contract through a
29 local network of providers the services required of a lead agency. A lead
30 agency shall not directly provide more than thirty-five percent of direct
31 services required under the contract; and
1 (d) Provide accountability for meeting the outcomes and performance
2 standards related to child welfare services established by Nebraska child
3 welfare policy and the federal government.
4 (4) Each condition of subsection (3) of this section shall be met
5 prior to the assumption of service provision by such lead agency under
6 this section. Nothing in this section shall prohibit the department from
7 phasing the transition of case management services to such lead agency
8 over a period of time.
9 (5) The Director of Children and Family Services of the Division of
10 Children and Family Services of the Department of Health and Human
11 Services shall notify the Health and Human Services Committee of the
12 Legislature when the readiness assessment required under subdivision (3)
13 (b) of this section is complete and provide assurance that the lead
14 agency has demonstrated full readiness, prior to the assumption of
15 service provision by such lead agency.
16 Sec. 4. Original section 43-4704, Revised Statutes Cumulative
17 Supplement, 2018, and sections 43-1311.03 and 68-1212, Revised Statutes
18 Supplement, 2019, are repealed.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 760. Placed on Select File with amendment.
ER198
1 Tt. On page 1, line 2, after the semicolon insert "to define terms."

LEGISLATIVE BILL 965. Placed on Select File with amendment.
ER199
1 Tt. On page 1, line 1, strike beginning with the second "to" through
2 line 7 and insert "to recognize American Sign Language as a distinct and
3 separate language; to authorize schools and postsecondary educational
4 institutions to offer courses in American Sign Language; to define terms;
5 to establish a language assessment program for children who are deaf or
6 hard of hearing; to provide duties for the Commission for the Deaf and
7 Hard of Hearing and the State Department of Education; to provide for an
8 advisory committee; and to provide a duty for the Revisor of Statutes."

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 927. Placed on General File with amendment.
AM2822
1 Tt. Strike original section 1 and insert the following new sections:
2 Section 1. The following sum of money, or so much thereof as may be
3 required, is 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 a state settlement, which has been settled by the Attorney
6 General in the district court and which requires the approval of the
7 Legislature for payment.
8 §107.243.21 for 8:16CV546, a self‑insured liability settlement with
9 Riley Nicole Shadie, against the State of Nebraska, pay to Michael D. 
10 Gooch, Attorney, 7215 North 162nd Street, Bennington, NE 68007, out of
11 the General Fund.
12 The claim included in this section shall be paid through Program 536
13 in Agency 65.
14 For informational purposes only, the appropriation contained in this
15 section and fund source:
16 FUND SOURCE       DOLLAR AMOUNT
17 GENERAL FUND       §107,243.21
18 CASH FUND          $0
19 REVOLVING FUND     $0
20 TOTAL              §107,243.21
21 Sec. 2. The following sums of money, or so much thereof as may be
22 required, are hereby appropriated from the General Fund or from other
23 funds as indicated in the state treasury, not otherwise appropriated, for
24 the payment of tort claims which have been settled by the State Claims
25 Board and approved by the district court, which have been settled by the
26 Attorney General in the district court, or in which court judgments have
27 been entered and which require the approval of the Legislature for
28 payment:
29 $335,000.00 for Tort Claim Number 2017‑16279, against the State of
30 Nebraska, pay to Disability Rights Nebraska Trust Account on behalf of
31 Ruth Cecetka, 134 South 13th Street, Suite 600, Lincoln, NE 68508, out of
32 the General Fund.
33 $850,000.00 for Tort Claim Numbers 2018‑18149 and 2018‑18150,
34 against the State of Nebraska, pay jointly to Christine Allen (now
35 "Harms") and Cynthia Allen; Woods & Atken LLP, 301 South 13th Street,
36 Suite 500, Lincoln, NE 68508‑2578, out of the General Fund.
37 The claims included in this section shall be paid through Program
38 591 in Agency 65.
39 For informational purposes only, the appropriations contained in
40 this section and fund source:
41 FUND SOURCE       DOLLAR AMOUNT
42 GENERAL FUND       $1,185,000.00
43 CASH FUND          $0
44 REVOLVING FUND     $0
45 TOTAL              $1,185,000.00
46 Sec. 4. The following sums of money, or so much thereof as may be
47 required, are hereby appropriated from the General Fund or from other
48 funds as indicated in the state treasury, not otherwise appropriated, for
49 the payment of tort claims which have been settled by the State Claims
50 Board and approved by the district court, which have been settled by the
51 Attorney General in the district court, or in which court judgments have
52 been entered and which require the approval of the Legislature for
53 payment:
54 $90,000.00 for Tort Claim Number 2016‑15375, against the State of
55 Nebraska, pay to Jennifer Urbina and Dyer Law, Attorney, Dyer Law PC,
56 LLO, 2611 South 117th Street, Omaha, NE 68144, out of the State Insurance
57 Fund.
58 $112,000.00 for Tort Claim Number 2016‑16049, against the State of
59 Nebraska, pay to Copple and Rockey Trust Account, 2425 Taylor Avenue,
60 P.O. Box 78, Norfolk, NE 68701, out of the State Insurance Fund.
61 $23,846.79 for Tort Claim Number 2017‑16406, against the State of
62 Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and
63 Lenaghan, 13924 Gold Circle, Omaha, NE 68144, out of the State Insurance
64 Fund.
The claims included in this section shall be paid through Program 9594 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<table>
<thead>
<tr>
<th>FUND SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$0.00</td>
</tr>
<tr>
<td>CASH FUND</td>
<td>$0.00</td>
</tr>
<tr>
<td>REVOLVING FUND</td>
<td>$525,846.79</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$525,846.79</td>
</tr>
</tbody>
</table>

2. On page 3, after line 4, insert the following new paragraph:

"$25,000.00 for a workers' compensation claim, pay to Michael Morgan and Joe Dowding, Dowding, Dowding & Urbom Law Office, 201 North 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, out of the Workers' Compensation Claims Revolving Fund."

3. On page 4, line 7, strike "$113,813.12" and insert "$110,998.88"; in line 13 strike "$63,386,644.68" and insert "$63,342,441.64"; and in line 21 strike "$4.00" and insert "$3.00".

4. Renumber the remaining sections accordingly.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1140. Title read. Considered.

Committee AM2663, found on page 834, 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 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1144. Title read. Considered.

Committee AM2785, found on page 878, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

VISITOR(S)

Visitors to the Chamber were Kate Kelley from Omaha; students from Cottonwood Elementary, Omaha; students and teacher from Central Valley High School, Greeley; and Ella Levy from Omaha.

RECESS

At 11:44 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., Senator Lindstrom presiding.

ROLL CALL

The roll was called and all members were present except Senators Blood and Brewer who were excused; and Senator Pansing Brooks who was excused until she arrives.

GENERAL FILE

LEGISLATIVE BILL 1188. Title read. Considered.

Committee AM2736, found on page 839, was offered.

Senator Brandt offered his amendment, AM2769, found on page 879, to the committee amendment.

Senator Brandt moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Brandt requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 32:

Arch  DeBoer  Howard  McDonnell  Vargas
Bolz   Dorn   Hunt   Morfeld  Walz
Brandt Friesen Kolowski Murman  Wayne
Briese Gragert Kolterman Pansing Brooks Williams
Cavanaugh Hansen, B. Lathrop Quick
Chambers Hansen, M. Lindstrom Scheer
Crawford Hilkemann McCollister Stinner

Voting in the negative, 9:

Albrecht  Clements  Geist  Lowe  Slama
Bostelman Erdman La Grone Moser

Present and not voting, 3:

Halloran Hughes Linehan

Excused and not voting, 5:

Blood Brewer Groene Hilgers Wishart

The Brandt amendment was adopted with 32 ayes, 9 nays, 3 present and not voting, and 5 excused and not voting.
The Chair declared the call raised.

The committee amendment, as amended, was adopted with 32 ayes, 5 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 4 nays, 7 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 1064.** Placed on General File.

(Signed) Tom Briese, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services
Room 1510

Wednesday, March 18, 2020 1:00 p.m.
Rui Yi - Stem Cell Research Advisory Committee
Daniel J. Rosenthal - State Board of Health
Benjamin R. Iske - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1148.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Committee **AM2357**, found on page 785, was offered.

**SENATOR LINDSTROM PRESIDING**

Senator Lathrop offered his amendment, **AM2666**, found on page 796, to the committee amendment.

Senator Vargas moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 24 not voting.

The Lathrop amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.
Senator Lathrop offered his amendment, **AM2810**, found on page 876, to the committee amendment.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 835.** Title read. Considered.

Committee **AM2185**, found on page 481, was offered.

Senator Chambers offered the following amendment to the committee amendment:

**FA109**

Amend **AM2185**

P.1, line 24, strike "proper" and insert "appropriate".

**SENATOR HUGHES PRESIDING**

Pending.

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

Senator Geist filed the following amendment to **LB814**:

**AM2867**

1. Strike original section 8 and insert the following new section:
2 Sec. 8. Upon request in any civil, criminal, or administrative
3 proceeding or action brought under sections 3 to 7 of this act, the court
4 shall take every possible measure allowable under the law to protect the
5 anonymity of any woman upon whom an abortion has been performed or
6 attempted to be performed and to preserve her identity from public
7 disclosure. The court shall make a ruling, accompanied by specific
8 written findings, explaining why the anonymity of the woman should or
9 should not be preserved from public disclosure. Upon determining that her
10 anonymity should be preserved, the court shall issue orders to the
11 parties, witnesses, and counsel and shall direct the sealing of the
12 record and exclusion of individuals from courtrooms or hearing rooms to
13 the extent necessary to safeguard her identity from public disclosure.
14 Each such order shall be accompanied by specific written findings
15 explaining why the anonymity of the woman should be preserved from public
16 disclosure, why the order is essential to that end, how the order is
17 narrowly tailored to serve that interest, and why no less restrictive
18 alternative exists. In the absence of written consent of the woman upon
19 whom an abortion is performed or attempted to be performed, any person
20 other than a public official who brings an action under section 4 or 5 of
21 this act shall do so under a pseudonym. This section may not be construed
22 to conceal the identity of the plaintiff or of witnesses from the
23 defendant or from attorneys for the defendant.
Senator Williams filed the following amendment to LB1055: AM2856

(Amendments to E & R amendments, ER195)

1 1. On page 23, line 10, strike "direct pecuniary fee", show as
2 stricken, and insert "payment, fee."; strike lines 26 through 30 and show
3 as stricken; and in line 31 strike "(7)", show as stricken, and insert
4 "(6)".
5 2. On page 24, line 6, strike "; show as stricken, and insert
6 "(2)"; in line 11 strike "(9)", show as stricken, and insert "(8)"; and
7 in line 13 strike "(10)(a)", show as stricken, and insert "(9)(a)".

GENERAL FILE

LEGISLATIVE BILL 835. The Chambers amendment, FA109, found in
this day's Journal, to the committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with
12 ayes, 3 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht    Dorn    Hilkemann    Linehan    Stinner
Arch       Friesen    Howard    Lowe    Vargas
Bolz       Geist    Hughes    McDonnell    Wayne
Bostelman  Gragert    Hunt    Morfeld    Williams
Brandt     Groene    Kolowski    Moser    Wishart
Briese     Halloran    Koltermann    Murman
Clements   Hansen, B.    La Grone    Quick
Crawford   Hansen, M.    Lathrop    Scheer
DeBoer     Hilgers    Lindstrom    Slama

Present and not voting, 4:

Cavanaugh    Chambers    Erdman    Pansing Brooks

Excused and not voting, 4:

Blood       Brewer    McCollister    Walz

The Chambers amendment lost with 0 ayes, 41 nays, 4 present and not
voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.
AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB1198:
AM2844
1. Insert the following new section:
2 Sec. 2. There is hereby appropriated $52,000,000 from the General
3 Fund for FY2020-21 to the Department of Correctional Services for the
4 construction or expansion of a community corrections facility with three
5 hundred new beds in the Omaha metropolitan area.
6 The new or expanded facility shall be consistent with the increase
7 of community corrections capacity in the Omaha area recommended in Phase
8 1 of the Department of Correctional Services 2014 Master Plan Report.

BILL ON FIRST READING

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

LEGISLATIVE BILL 918A. 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 918, One Hundred

GENERAL FILE

LEGISLATIVE BILL 835. Senator Chambers offered the following
motion:
MO164
Reconsider the vote taken on FA109.

Senator Chambers asked unanimous consent to withdraw his motion to
reconsider. No objections. So ordered.

Committee AM2185, found on page 481 and considered in this day's
Journal, was renewed.

The committee amendment was adopted with 30 ayes, 0 nays, 11 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB627.
Senator DeBoer name added to LB755.
VISITOR(S)

Visitors to the Chamber were Amelia Stoner from Lincoln; students from Harvey Oaks Elementary, Omaha; a group from the University of Nebraska from across the state; and Phil, Jessica, and Josh Gebers from Lincoln.

The Doctor of the Day was Dr. Bret Elliott from Omaha.

MOTION - Adjournment

Senator Pansing Brooks moved to adjourn until 9:00 a.m., Wednesday, March 11, 2020.

Senator Chambers moved for a call of the house. The motion failed with 7 ayes, 27 nays, and 15 not voting.

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

The Pansing Brooks motion to adjourn prevailed with 28 ayes, 8 nays, 5 present and not voting, and 8 excused and not voting, and at 4:57 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 2020.

Patrick J. O'Donnell
Clerk of the Legislature