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:

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LB1220  Revenue
LB1221  Judiciary
LR300CA  Revenue

(Signed)  Mike Hilgers, Chairperson  
Executive Board  

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. 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
1. accompanying maps, plats, charts and descriptive and explanatory
2. materials, shall show the recommendations concerning the physical
3. development pattern of such city and of any land outside its boundaries
4. related thereto, taking into account the availability of and need for
5. conserving land and other irreplaceable natural resources, the
6. preservation of sites of historic, cultural, archaeological, and
7. architectural significance or value, the projected changes in size,
8. movement, and composition of population, the necessity for expanding
9. housing and employment opportunities, and the need for methods of
10. achieving modernization, simplification, and improvements in governmental
11. structures, systems, and procedures related to growth objectives. The
12. comprehensive plan shall, among other things, show:
13. (1) The general location, character, and extent of existing and
14. proposed streets and highways and railroad, air, and other transportation
15. routes and terminals;
16. (2) Existing and proposed public ways, parks, grounds, and open
17. spaces;
18. (3) The general location, character, and extent of schools, school
19. grounds, and other educational facilities and properties;
20. (4) The general location and extent of existing and proposed public
21. utility installations;
22. (5) The general location and extent of community development and
23. housing activities;
24. (6) The general location of existing and proposed public buildings,
25. structures, and facilities; and
26. (7) When a new comprehensive plan or a full update to an existing
27. comprehensive plan is developed on or after July 15, 2010, but not later
The comprehensive plan shall include a land-use plan showing the
proposed general distribution and general location of business and
industry, residential areas, utilities, and recreational, educational,
and other categories of public and private land uses. The land-use plan
shall also show the recommended standards of population density based
upon population estimates and providing for activities for which space
should be supplied within the area covered by the plan. The comprehensive
plan shall include and show proposals for acquisition, extension,
widening, narrowing, removal, vacation, abandonment, sale, and other
actions affecting public improvements.

Sec. 3. Section 19-903, Revised Statutes Supplement, 2019, is
amended to read:

19-903 The regulations and restrictions authorized by sections
19-901 to 19-915 shall be in accordance with a comprehensive development
plan which shall consist of both graphic and textual material and shall
be designed to accommodate anticipated long-range future growth which
shall be based upon documented population and economic projections. The
comprehensive development plan shall, among other possible elements,
include:

1. A land-use element which designates the proposed general
distributions, general location, and extent of the uses of land for
agriculture, housing, commerce, industry, recreation, education, public
buildings and lands, and other categories of public and private use of
land;
2. The general location, character, and extent of existing and
proposed major roads, streets, and highways, and air and other
transportation routes and facilities;
3. The general location, type, capacity, and area served of present
and projected or needed community facilities including recreation
facilities, schools, libraries, other public buildings, and public
telecommunications and services;
4. When a new comprehensive plan or a full update to an existing
comprehensive plan is developed on or after July 15, 2010 but not later
than January 1, 2020, an energy element which: Assesses energy
infrastructure and energy use by sector, including residential,
commercial, and industrial sectors; evaluates utilization of renewable
energy sources; and promotes energy conservation measures that benefit
the community. This subdivision shall not apply to villages; and
5. (a) When next amended after January 1, 1995, an identification of
sanitary and improvement districts, subdivisions, industrial tracts,
and other developed areas which are or in the
future may be appropriate subjects for annexation and (b) a general
review of the standards and qualifications that should be met to enable
the municipality to undertake annexation of such areas. Failure of the
plan to identify subjects for annexation or to set out standards or
qualifications for annexation shall not serve as the basis for any
challenge to the validity of an annexation ordinance.
19 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
designed to lessen congestion in the streets; to secure safety from fire,
panic, and other dangers; to promote health and the general welfare; to
provide adequate light and air; to prevent the overcrowding of land; to
secure safety from flood; to avoid undue concentration of population; to
facilitate the adequate provision of transportation, water, sewerage,
schools, parks, and other public requirements; to protect property
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 1, 2014, an energy element which: Assesses energy
17 infrastructure and energy use by sector, including residential,
18 commercial, and industrial sectors; evaluates utilization of renewable
19 energy sources; and promotes energy conservation measures that benefit
20 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
1 Statutes Supplement, 2019, are repealed.
2. On page 1, strike beginning with "municipalities" in line 1
3 through "Nebraska" in line 3 and insert "political subdivisions; to amend
4 sections 14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of
5 Nebraska, and section 19-903, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 534. Placed on Select File with amendment.

Revised
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 "federally approved"; in line 21 after "employers" insert "or training agencies"; in line 22 strike "or" and after "costs" insert an underscored comma; and strike beginning with "needed" in line 23 through "for" in 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
Banking, Commerce and Insurance
Room 1507

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.
LB743
LB1116
LB864
LB1114
LB984
LB1178
LB960
Tuesday, February 18, 2020 1:30 p.m.
LB1003
LB876
LB1021
LB801

Tuesday, February 25, 2020 1:30 p.m.
LB976
LB1078
LB867
LB1077

(Signed) Justin Wayne, Chairperson

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:

Albrecht  Clements  Hansen, M.  Lindstrom  Slama
Arch  Crawford  Hilgers  Linehan  Stinner
Blood  DeBoer  Hilkemann  Lowe  Vargas
Bolz  Dorn  Howard  McCollister  Walz
Bostelman  Erdman  Hughes  McDonnell  Wayne
Brandt  Friesen  Hunt  Moser  Williams
Brewer  Gragert  Kolowski  Murman  Wishart
Briese  Groene  Kolterman  Pansing Brooks
Cavanaugh  Halloran  La Grone  Quick
Chambers  Hansen, B.  Lathrop  Scheer

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:

AM2150
(Amendments to Standing Committee amendments, AM757)

1 1. Strike amendment 1 and insert the following new amendment:
2 2. On page 4, line 11, strike "upto" and insert "up to";
3 3. and insert "during the five days of Saturday through Wednesday"
4 4. immediately preceding the opening day of,"; strike beginning with it in
5 5. line 14 through "permit" in line 18; in line 18 after the period insert
6 6. "No more than four free permits may be issued per qualified landowner to
7 7. the landowner or designated members of his or her immediate family, and
8 8. for a Nebraska resident, the number of free permits issued shall not
9 9. exceed the total acreage of the farm or ranch divided by three hundred twenty,";
10 10. strike lines 23 through 30; and in line 31 strike "(c)" and insert "(b)",
11 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