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   Nationwide Mutual Insurance Company (Withdrawn 01/15/2020)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
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:

**LEGISLATIVE BILL 1022.** Introduced by Hansen, M., 26.

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