

THIRTY-SIXTH DAY - MARCH 5, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 2019

PRAYER

The prayer was offered by Reverend Dr. Cynthia Lindenmeyer, First United Methodist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator La Grone who was excused; and Senators Briese, Cavanaugh, Chambers, Friesen, Groene, M. Hansen, Howard, Linehan, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 37. Introduced by Quick, 35.

WHEREAS, Jonathan Novinski, a sophomore at Grand Island Central Catholic, took first place in the boys 500-yard freestyle and second place in the boys 200-yard freestyle at the 2019 State Swimming and Diving Championship; and

WHEREAS, this is the second time Jonathan has taken first place in the boys 500-yard freestyle at the State Swimming and Diving Championship; and

WHEREAS, Jonathan also broke the longest-standing boys record at the meet with a time of 4:32.04 in the boys 500-yard freestyle; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jonathan Novinski on taking first place in the boys 500-yard freestyle at the 2019 State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Jonathan Novinski and to Coach Brian Jensen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 627. Considered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 4. Placed on Final Reading.

LEGISLATIVE BILL 4A. Placed on Final Reading.

LEGISLATIVE BILL 103. Placed on Final Reading.

LEGISLATIVE BILL 185. Placed on Final Reading.

LEGISLATIVE BILL 372. Placed on Final Reading.

LEGISLATIVE BILL 406. Placed on Final Reading.

LEGISLATIVE BILL 450. Placed on Final Reading.

LEGISLATIVE BILL 450A. Placed on Final Reading.

LEGISLATIVE BILL 622. Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 8, "to provide immunity for the director and administrator as prescribed;" was inserted after the semicolon.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 9. Placed on General File.

LEGISLATIVE BILL 148. Placed on General File with amendment.

AM421

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

2 sections:

3 Section 1. Section 13-503, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 13-503 For purposes of the Nebraska Budget Act, unless the context

6 otherwise requires:

7 (1) Governing body means the governing body of any county

8 agricultural society, elected county fair board, joint airport authority
9 formed under the Joint Airport Authorities Act, city or county airport
10 authority, bridge commission created pursuant to section 39-868, cemetery
11 district, city, village, municipal county, community college, community
12 redevelopment authority, county, drainage or levee district, educational
13 service unit, rural or suburban fire protection district, historical
14 society, hospital district, irrigation district, learning community,
15 natural resources district, nonprofit county historical association or
16 society for which a tax is levied under subsection (1) of section
17 23-355.01, public building commission, railroad transportation safety
18 district, reclamation district, road improvement district, rural water
19 district, school district, sanitary and improvement district, township,
20 offstreet parking district, transit authority, metropolitan utilities
21 district, Educational Service Unit Coordinating Council, ~~and~~ political
22 subdivision with the authority to have a property tax request, with the
23 authority to levy a toll, or that receives state aid, and joint entity
24 created pursuant to the Interlocal Cooperation Act that receives tax
25 funds generated under section 2-3226.05;
26 (2) Levying board means any governing body which has the power or
27 duty to levy a tax;
1 (3) Fiscal year means the twelve-month period used by each governing
2 body in determining and carrying on its financial and taxing affairs;
3 (4) Tax means any general or special tax levied against persons,
4 property, or business for public purposes as provided by law but shall
5 not include any special assessment;
6 (5) Auditor means the Auditor of Public Accounts;
7 (6) Cash reserve means funds required for the period before revenue
8 would become available for expenditure but shall not include funds held
9 in any special reserve fund;
10 (7) Public funds means all money, including nontax money, used in
11 the operation and functions of governing bodies. For purposes of a
12 county, city, or village which has a lottery established under the
13 Nebraska County and City Lottery Act, only those net proceeds which are
14 actually received by the county, city, or village from a licensed lottery
15 operator shall be considered public funds, and public funds shall not
16 include amounts awarded as prizes;
17 (8) Adopted budget statement means a proposed budget statement which
18 has been adopted or amended and adopted as provided in section 13-506.
19 Such term shall include additions, if any, to an adopted budget statement
20 made by a revised budget which has been adopted as provided in section
21 13-511;
22 (9) Special reserve fund means any special fund set aside by the
23 governing body for a particular purpose and not available for expenditure
24 for any other purpose. Funds created for (a) the retirement of bonded
25 indebtedness, (b) the funding of employee pension plans, (c) the purposes
26 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes
27 of the Local Option Municipal Economic Development Act, (e) voter-
28 approved sinking funds, or (f) statutorily authorized sinking funds shall
29 be considered special reserve funds;

30 (10) Biennial period means the two fiscal years comprising a
31 biennium commencing in odd-numbered or even-numbered years used by a
1 city, village, or natural resources district in determining and carrying
2 on its financial and taxing affairs; and

3 (11) Biennial budget means (a) a budget by a city of the primary or
4 metropolitan class that adopts a charter provision providing for a
5 biennial period to determine and carry on the city's financial and taxing
6 affairs, (b) a budget by a city of the first or second class or village
7 that provides for a biennial period to determine and carry on the city's
8 or village's financial and taxing affairs, or (c) a budget by a natural
9 resources district that provides for a biennial period to determine and
10 carry on the natural resources district's financial and taxing affairs.

11 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 13-506 (1) Each governing body shall each year or biennial period
14 conduct a public hearing on its proposed budget statement. Such hearing
15 shall be held separately from any regularly scheduled meeting of the
16 governing body and shall not be limited by time. Notice of place and time
17 of such hearing, together with a summary of the proposed budget
18 statement, shall be published at least four calendar days prior to the
19 date set for hearing in a newspaper of general circulation within the
20 governing body's jurisdiction. For purposes of such notice, the four
21 calendar days shall include the day of publication but not the day of
22 hearing. When the total operating budget, not including reserves, does
23 not exceed ten thousand dollars per year or twenty thousand dollars per
24 biennial period, the proposed budget summary may be posted at the
25 governing body's principal headquarters. At such hearing, the governing
26 body shall make at least three copies of the proposed budget statement
27 available to the public and shall make a presentation outlining key
28 provisions of the proposed budget statement, including, but not limited
29 to, a comparison with the prior year's budget. Any member of the public
30 desiring to speak on the proposed budget statement shall be allowed to
31 address the governing body at the hearing and shall be given a reasonable
1 amount of time to do so. After such hearing, the proposed budget
2 statement shall be adopted, or amended and adopted as amended, and a
3 written record shall be kept of such hearing. The amount to be received
4 from personal and real property taxation shall be certified to the
5 levying board after the proposed budget statement is adopted or is
6 amended and adopted as amended. If the levying board represents more than
7 one county, a member or a representative of the governing board shall,
8 upon the written request of any represented county, appear and present
9 its budget at the hearing of the requesting county. The certification of
10 the amount to be received from personal and real property taxation shall
11 specify separately (a) the amount to be applied to the payment of
12 principal or interest on bonds issued by the governing body and (b) the
13 amount to be received for all other purposes. If the adopted budget
14 statement reflects a change from that shown in the published proposed
15 budget statement, a summary of such changes shall be published within
16 twenty calendar days after its adoption in the manner provided in this

17 section, but without provision for hearing, setting forth the items
18 changed and the reasons for such changes.
19 (2) Upon approval by the governing body, the budget shall be filed
20 with the auditor. The auditor may review the budget for errors in
21 mathematics, improper accounting, and noncompliance with the Nebraska
22 Budget Act or sections 13-518 to 13-522. If the auditor detects such
23 errors, he or she shall immediately notify the governing body of such
24 errors. The governing body shall correct any such error as provided in
25 section 13-511. Warrants for the payment of expenditures provided in the
26 budget adopted under this section shall be valid notwithstanding any
27 errors or noncompliance for which the auditor has notified the governing
28 body.

29 Sec. 3. Section 84-1411, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 84-1411 (1)(a) (†) Each public body shall give reasonable advance
1 publicized notice of the time and place of each meeting as provided in
2 this subsection by a method designated by each public body and recorded
3 in its minutes. Such notice shall be transmitted to all members of the
4 public body and to the public.

5 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,
6 in the case of a public body described in subdivision (1)(a)(i) of
7 section 84-1409 or such body's advisory committee, such notice shall be
8 published in a newspaper of general circulation within the public body's
9 jurisdiction and, if available, in a digital advertisement on such
10 newspaper's web site.

11 (ii) In the case of the governing body of a city of the second class
12 or village or such body's advisory committee, such notice shall be
13 published by:

14 (A) Publication in a newspaper of general circulation within the
15 public body's jurisdiction and, if available, in a digital advertisement
16 on such newspaper's web site; or

17 (B) Posting written notice in three conspicuous public places in
18 such city or village. Such notice shall be posted in the same three
19 places for each meeting.

20 (iii) In the case of a public body not described in subdivision (1)
21 (b)(i) or (ii) of this section, such notice shall be given by a method
22 designated by the public body.

23 (c) In addition to a method of notice required by subdivision (1)(b)
24 (i) or (ii) of this section, such notice may also be provided by any
25 other appropriate method designated by such public body or such advisory
26 committee.

27 (d) Each public body shall record the methods and dates of such
28 notice in its minutes.

29 (e) Such notice shall contain an agenda of subjects known at the
30 time of the publicized notice or a statement that the agenda, which shall
31 be kept continually current, shall be readily available for public
1 inspection at the principal office of the public body during normal
2 business hours. Agenda items shall be sufficiently descriptive to give
3 the public reasonable notice of the matters to be considered at the

4 meeting. Except for items of an emergency nature, the agenda shall not be
5 altered later than ~~(i) (a)~~ twenty-four hours before the scheduled
6 commencement of the meeting or ~~(ii) (b)~~ forty-eight hours before the
7 scheduled commencement of a meeting of a city council or village board
8 scheduled outside the corporate limits of the municipality. The public
9 body shall have the right to modify the agenda to include items of an
10 emergency nature only at such public meeting.

11 (2) A meeting of a state agency, state board, state commission,
12 state council, or state committee, of an advisory committee of any such
13 state entity, of an organization created under the Interlocal Cooperation
14 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
15 Act, of the governing body of a public power district having a chartered
16 territory of more than one county in this state, of the governing body of
17 a public power and irrigation district having a chartered territory of
18 more than one county in this state, of a board of an educational service
19 unit, of the Educational Service Unit Coordinating Council, of the
20 governing body of a risk management pool or its advisory committees
21 organized in accordance with the Intergovernmental Risk Management Act,
22 or of a community college board of governors may be held by means of
23 videoconferencing or, in the case of the Judicial Resources Commission in
24 those cases specified in section 24-1204, by telephone conference, if:

25 (a) Reasonable advance publicized notice is given as provided in
26 subsection (1) of this section;

27 (b) Reasonable arrangements are made to accommodate the public's
28 right to attend, hear, and speak at the meeting, including seating,
29 recordation by audio or visual recording devices, and a reasonable
30 opportunity for input such as public comment or questions to at least the
31 same extent as would be provided if videoconferencing or telephone
1 conferencing was not used;

2 (c) At least one copy of all documents being considered is available
3 to the public at each site of the videoconference or telephone
4 conference;

5 (d) At least one member of the state entity, advisory committee,
6 board, council, or governing body is present at each site of the
7 videoconference or telephone conference; and

8 (e) No more than one-half of the state entity's, advisory
9 committee's, board's, council's, or governing body's meetings in a
10 calendar year are held by videoconference or telephone conference.

11 Videoconferencing, telephone conferencing, or conferencing by other
12 electronic communication shall not be used to circumvent any of the
13 public government purposes established in the Open Meetings Act.

14 (3) A meeting of a board of an educational service unit, of the
15 Educational Service Unit Coordinating Council, of the governing body of
16 an entity formed under the Interlocal Cooperation Act, the Joint Public
17 Agency Act, or the Municipal Cooperative Financing Act, of the governing
18 body of a risk management pool or its advisory committees organized in
19 accordance with the Intergovernmental Risk Management Act, of a community
20 college board of governors, of the governing body of a public power
21 district, of the governing body of a public power and irrigation

22 district, or of the Nebraska Brand Committee may be held by telephone
23 conference call if:

24 (a) The territory represented by the educational service unit,
25 member educational service units, community college board of governors,
26 public power district, public power and irrigation district, Nebraska
27 Brand Committee, or member public agencies of the entity or pool covers
28 more than one county;

29 (b) Reasonable advance publicized notice is given as provided in
30 subsection (1) of this section which identifies each telephone conference
31 location at which an educational service unit board member, a council
1 member, a member of a community college board of governors, a member of
2 the governing body of a public power district, a member of the governing
3 body of a public power and irrigation district, a member of the Nebraska
4 Brand Committee, or a member of the entity's or pool's governing body
5 will be present;

6 (c) All telephone conference meeting sites identified in the notice
7 are located within public buildings used by members of the educational
8 service unit board, council, community college board of governors,
9 governing body of the public power district, governing body of the public
10 power and irrigation district, Nebraska Brand Committee, or entity or
11 pool or at a place which will accommodate the anticipated audience;

12 (d) Reasonable arrangements are made to accommodate the public's
13 right to attend, hear, and speak at the meeting, including seating,
14 recordation by audio recording devices, and a reasonable opportunity for
15 input such as public comment or questions to at least the same extent as
16 would be provided if a telephone conference call was not used;

17 (e) At least one copy of all documents being considered is available
18 to the public at each site of the telephone conference call;

19 (f) At least one member of the educational service unit board,
20 council, community college board of governors, governing body of the
21 public power district, governing body of the public power and irrigation
22 district, Nebraska Brand Committee, or governing body of the entity or
23 pool is present at each site of the telephone conference call identified
24 in the public notice;

25 (g) The telephone conference call lasts no more than two hours; and

26 (h) No more than one-half of the board's, council's, governing
27 body's, committee's, entity's, or pool's meetings in a calendar year are
28 held by telephone conference call, except that a governing body of a risk
29 management pool that meets at least quarterly and the advisory committees
30 of the governing body may each hold more than one-half of its meetings by
31 telephone conference call if the governing body's quarterly meetings are

1 not held by telephone conference call or videoconferencing.
2 Nothing in this subsection shall prevent the participation of
3 consultants, members of the press, and other nonmembers of the governing
4 body at sites not identified in the public notice. Telephone conference
5 calls, emails, faxes, or other electronic communication shall not be used
6 to circumvent any of the public government purposes established in the
7 Open Meetings Act.

8 (4) The secretary or other designee of each public body shall

9 maintain a list of the news media requesting notification of meetings and
 10 shall make reasonable efforts to provide advance notification to them of
 11 the time and place of each meeting and the subjects to be discussed at
 12 that meeting.

13 (5) When it is necessary to hold an emergency meeting without
 14 reasonable advance public notice, the nature of the emergency shall be
 15 stated in the minutes and any formal action taken in such meeting shall
 16 pertain only to the emergency. Such emergency meetings may be held by
 17 means of electronic or telecommunication equipment. The provisions of
 18 subsection (4) of this section shall be complied with in conducting
 19 emergency meetings. Complete minutes of such emergency meetings
 20 specifying the nature of the emergency and any formal action taken at the
 21 meeting shall be made available to the public by no later than the end of
 22 the next regular business day.

23 (6) A public body may allow a member of the public or any other
 24 witness other than a member of the public body to appear before the
 25 public body by means of video or telecommunications equipment.
 26 Sec. 4. Original sections 13-503, 13-506, and 84-1411, Revised
 27 Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 411. Placed on General File with amendment.
 AM514 is available in the Bill Room.

LEGISLATIVE BILL 447. Placed on General File with amendment.
 AM548

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

3 Section 1. Section 81-1316, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:

5 81-1316 (1) All agencies and personnel of state government shall be
 6 covered by sections 81-1301 to 81-1319 and shall be considered subject to
 7 the State Personnel System, except the following:

8 (a) All personnel of the office of the Governor;

9 (b) All personnel of the office of the Lieutenant Governor;

10 (c) All personnel of the office of the Secretary of State;

11 (d) All personnel of the office of the State Treasurer;

12 (e) All personnel of the office of the Attorney General;

13 (f) All personnel of the office of the Auditor of Public Accounts;

14 (g) All personnel of the Legislature;

15 (h) All personnel of the court systems;

16 (i) All personnel of the Board of Educational Lands and Funds;

17 (j) All personnel of the Public Service Commission;

18 (k) All personnel of the Nebraska Brand Committee;

19 (l) All personnel of the Commission of Industrial Relations;

20 (m) All personnel of the State Department of Education;

21 (n) All personnel of the Nebraska state colleges and the Board of

22 Trustees of the Nebraska State Colleges;

23 (o) All personnel of the University of Nebraska;

24 (p) All personnel of the Coordinating Commission for Postsecondary

- 25 Education;
- 26 (q) All personnel of the Governor's Policy Research Office, but not
- 27 to include personnel within the State Energy Office;
- 1 (r) All personnel of the Commission on Public Advocacy;
- 2 (s) All agency heads;
- 3 (t)(i) The Director of Behavioral Health of the Division of
- 4 Behavioral Health; (ii) the Director of Children and Family Services of
- 5 the Division of Children and Family Services; (iii) the Director of
- 6 Developmental Disabilities of the Division of Developmental Disabilities;
- 7 (iv) the Director of Medicaid and Long-Term Care of the Division of
- 8 Medicaid and Long-Term Care; and (v) the Director of Public Health of the
- 9 Division of Public Health;
- 10 (u) The chief medical officer established under section 81-3115, the
- 11 Administrator of the Office of Juvenile Services, and the chief executive
- 12 officers of the Beatrice State Developmental Center, Lincoln Regional
- 13 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island
- 14 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,
- 15 Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment
- 16 Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;
- 17 (v) The chief executive officers of all facilities operated by the
- 18 Department of Correctional Services and the medical director for the
- 19 department appointed pursuant to section 83-4,156;
- 20 (w) All personnel employed as pharmacists, physicians,
- 21 psychiatrists, or psychologists by the Department of Correctional
- 22 Services;
- 23 (x) All personnel employed as pharmacists, physicians,
- 24 psychiatrists, psychologists, service area administrators, or facility
- 25 operating officers of the Department of Health and Human Services or the
- 26 Department of Veterans' Affairs;
- 27 (y) Deputies and examiners of the Department of Banking and Finance
- 28 and the Department of Insurance as set forth in sections 8-105 and
- 29 44-119, except for those deputies and examiners who remain in the State
- 30 Personnel System; ~~and~~
- 31 (z) All personnel of the Tax Equalization and Review Commission;
- 1 and -
- 2 (aa) The associate director of the Conservation Division of the
- 3 Nebraska State Historical Society and all personnel employed as a
- 4 Conservator I or Conservator II of the Conservation Division of the
- 5 Nebraska State Historical Society.

6 (2) At each agency head's discretion, up to the following number of
 7 additional positions may be exempted from the State Personnel System,
 8 based on the following agency size categories:

9	Number of Agency	Number of Noncovered
10	Employees	Positions
11	less than 25	0
12	25 to 100	1
13	101 to 250	2
14	251 to 500	3
15	501 to 1000	4

16	1001 to 2000	5
17	2001 to 3000	8
18	3001 to 4000	11
19	4001 to 5000	40
20	over 5000	50

21 The purpose of having such noncovered positions shall be to allow
 22 agency heads the opportunity to recruit, hire, and supervise critical,
 23 confidential, or policymaking personnel without restrictions from
 24 selection procedures, compensation rules, career protections, and
 25 grievance privileges. Persons holding the noncovered positions shall
 26 serve at the pleasure of the agency head and shall be paid salaries set
 27 by the agency head. An agency with over five thousand employees shall
 28 provide notice in writing to the Health and Human Services Committee of
 29 the Legislature when forty noncovered positions have been filled by the
 30 agency head pursuant to this subsection.

1 (3) No changes to this section or to the number of noncovered
 2 positions within an agency shall affect the status of personnel employed
 3 on the date the changes become operative without their prior written
 4 agreement. A state employee's career protections or coverage by personnel
 5 rules and regulations shall not be revoked by redesignation of the
 6 employee's position as a noncovered position without the prior written
 7 agreement of such employee.

8 Sec. 2. Section 82-101.01, Reissue Revised Statutes of Nebraska, is
 9 amended to read:

10 82-101.01 (1) The initial board of trustees shall be comprised of
 11 the current members of the society's board of directors. As their terms
 12 expire under the society's presently existing bylaws, their successors
 13 shall be selected. Those outgoing board members who were elected shall be
 14 replaced by trustees elected by the society's membership as provided in
 15 this section. Those outgoing board members who were gubernatorial
 16 appointments shall be replaced by trustees appointed by the Governor. The
 17 trustees who are elected shall be elected for three-year terms from the
 18 same congressional district as the trustees whose terms have expired. The
 19 trustees selected by the Governor shall be appointed for three-year terms
 20 from the same congressional district as the trustees whose terms have
 21 expired.

22 (2) A nominating committee comprised of society members, one from
 23 each of the congressional districts, shall be appointed each year by the
 24 president of the board of trustees with the approval of the board of
 25 trustees. Such appointments shall be made at least one hundred twenty
 26 days prior to the date of the annual meeting of the members. The
 27 nominating committee shall file, in writing, its slate of nominees for
 28 trustee with the secretary of the society not later than ninety days
 29 prior to the date of the annual meeting. Thereafter, additional
 30 nominations may be made for trustee by written petition filed by not less
 31 than twenty-five active members of the society, which petition shall be
 1 filed with the secretary of the society not later than sixty days prior
 2 to the annual meeting. Candidates nominated by the nominating committee
 3 shall file a similar petition. Not later than thirty days prior to the

4 date of the annual meeting, the secretary of the society shall deliver
5 ~~mail~~ a ballot listing the names of the nominees to the active members of
6 the society eligible to vote, to be marked by the members and returned to
7 the secretary. The ballot shall be mailed or sent electronically. All
8 ~~Such~~ returned ballots, whether sent electronically or by mail, must be
9 received by the secretary at least ten days prior to the date of the
10 annual meeting in order to be counted. The board of trustees shall adopt
11 a system of ballot certification insuring a secret ballot and that the
12 person submitting the ballot is a society member entitled to vote. The
13 returned ballots shall be counted by the secretary of the society, and
14 the names of the successful candidates shall be announced at the annual
15 meeting. The ballots and other records of the election shall be retained
16 for one year following the election until after the annual meeting and
17 shall be available for inspection ~~by any member prior to the annual~~
18 ~~meeting.~~ All members of the nominating committee, all members signing a
19 nominating petition, and all members who are entitled to cast a ballot
20 must be active members of the society who are in good standing. A member
21 shall be considered in good standing when the member has fulfilled all
22 requirements for membership. All general and other specified classes of
23 members shall be eligible to vote for election or to be chosen as an
24 officer or trustee or to serve as a member of the nominating committee.
25 Only nominees named on the ballot shall be eligible for election. The
26 candidate for a particular trustee post receiving the highest number of
27 votes shall be declared elected even though such votes do not constitute
28 a majority of the votes cast for such post. When two trustees are elected
29 from a congressional district for a certain term, those declared elected
30 shall be the two receiving the highest number of votes cast for such
31 term, even though one or both fail to receive a majority of the votes
1 cast for such term.

2 (3) The term of each trustee shall begin on January 1 of the year
3 following the year of his or her election or appointment and shall end on
4 December 31 of the final year of the term to which the member was elected
5 or appointed.

6 (4) No trustee shall be eligible to serve for more than two full
7 consecutive three-year terms but may be eligible for election or
8 appointment to the board of trustees after having not served for at least
9 a period of three years.

10 (5) In the event a vacancy occurs on the board of trustees, the
11 board of trustees shall fill the position of an elected trustee for the
12 remainder of the unexpired term and the Governor shall fill the position
13 of an appointed trustee for the remainder of the unexpired term.

14 (6) In the event the boundaries of the congressional districts are
15 altered or increase or decrease in number, the trustees shall continue to
16 serve the term for which they were elected or appointed. Thereafter, the
17 board of trustees shall be adjusted so as to be in accordance with the
18 boundaries and number of congressional districts.

19 (7) Members of the board of trustees shall serve without pay. The
20 trustees shall receive remuneration for travel and expenses incurred
21 while engaged in the business of the society.

22 Sec. 3. Original section 82-101.01, Reissue Revised Statutes of
 23 Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement,
 24 2018, are repealed.

LEGISLATIVE BILL 505. Placed on General File with amendment.
 AM125

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 43-3342.03, Reissue Revised Statutes of Nebraska,
 3 is amended to read:

4 43-3342.03 (1) All support orders shall direct payment of support as
 5 provided in section 42-369. Any support order issued prior to the date
 6 that the State Disbursement Unit becomes operative for which the payment
 7 is to be made to the clerk of the district court shall be deemed to
 8 require payment to the State Disbursement Unit after a notice to the
 9 obligor is issued. Support order payments made to the clerk of the
 10 district court shall be forwarded to the State Disbursement Unit by
 11 electronic transfer.

12 (2) The State Disbursement Unit unit may collect a fee equal to the
 13 actual cost of processing any payments for returned check charges or
 14 charges for electronic payments not accepted, except that the fee shall
 15 not exceed thirty dollars. After a payor has originated one payment two
 16 payments resulting in a returned check ~~charges~~ or ~~charges~~ for an
 17 electronic payment payments not accepted within a period of two years,
 18 the unit may issue a notice to the originator that, for the following
 19 year, any payment shall be required to be paid by money order, cashier's
 20 check, ~~or~~ certified check, or any other form of guaranteed payment as may
 21 be approved by the unit. After a payor has originated two payments
 22 resulting in returned checks check charges or electronic payments not
 23 accepted, the unit may issue a notice to the originator that all future
 24 payments shall be paid by money order, cashier's check, ~~or~~ certified
 25 check, or any other form of guaranteed payment as may be approved by the
 26 unit, except that pursuant to rule and regulation and at least two years
 27 after such issuance of notice, the unit may waive for good cause shown
 1 such requirements for methods of payment. The fees shall be remitted to
 2 the State Treasurer for credit to the State Disbursement Unit Cash Fund,
 3 which is hereby created, which funds shall be used to offset the expenses
 4 incurred in the collection of child support bad debt and other collection
 5 expenses incurred by the unit. Any money in the fund available for
 6 investment shall be invested by the state investment officer pursuant to
 7 the Nebraska Capital Expansion Act and the Nebraska State Funds
 8 Investment Act.

9 (3) The State Disbursement Unit shall use automated procedures,
 10 electronic processes, and computer-driven technology to the maximum
 11 extent feasible, efficient, and economical for the collection and
 12 disbursement of support payments.

13 (4) Employers with more than fifty employees who have an employee
 14 with a child support order shall remit child support payments
 15 electronically.

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)

Natural Resources

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

Mark Czaplewski - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

Donald P. Batie - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 374. Placed on General File with amendment.

AM335

1. On page 2, line 12, strike "including XX".

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, March 13, 2019 1:30 p.m.

Robert E. Allen - Nebraska Game and Parks Commission
John M. Hoggatt - Nebraska Game and Parks Commission
LB606

Thursday, March 14, 2019 1:30 p.m.

Frank Reida - Nebraska Power Review Board
LB285
LB509

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 627. Considered.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Government, Military and Veterans Affairs - LB411

Government, Military and Veterans Affairs - LB511

Williams - LB463

RESOLUTION(S)

LEGISLATIVE RESOLUTION 38. Introduced by Gragert, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2019 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Wynot Blue Devils girls' basketball team defeated the two-time defending champion Falls City Sacred Heart in the championship game by a score of 39-38; and

WHEREAS, earlier in the championship, the Wynot Blue Devils defeated the number one seed in another close game, winning 45-44; and

WHEREAS, the victory marked the Wynot Blue Devils' seventh girls' state basketball title; and

WHEREAS, the Wynot Blue Devils girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of youth of our state.

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

1. That the Legislature recognizes and congratulates the Wynot High School girls' basketball team and its coaches on winning the 2019 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 627. Considered.

SPEAKER SCHEER PRESIDING

Senator M. Hansen moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the advancement of the bill.

Senator M. Hansen challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

PRESIDENT FOLEY PRESIDING

Senator M. Hansen moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Morfeld requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 16:

Blood	DeBoer	Kolowski	Pansing Brooks
Bolz	Hansen, M.	Lathrop	Walz
Cavanaugh	Howard	McDonnell	Wayne
Crawford	Hunt	Morfeld	Wishart

Voting in the negative, 26:

Albrecht	Clements	Groene	Kolterman	Scheer
Arch	Dorn	Halloran	Lindstrom	Williams
Bostelman	Erdman	Hansen, B.	Lowe	
Brandt	Friesen	Hilgers	McCollister	
Brewer	Geist	Hilkemann	Moser	
Briese	Gragert	Hughes	Murman	

Present and not voting, 2:

Chambers Quick

Absent and not voting, 1:

Vargas

Excused and not voting, 4:

La Grone Linehan Slama Stinner

The M. Hansen motion to overrule the Chair failed with 16 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 25. Placed on Final Reading.

LEGISLATIVE BILL 25A. Placed on Final Reading.

LEGISLATIVE BILL 119. Placed on Final Reading.

LEGISLATIVE BILL 159. Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 9, line 31, "this" has been struck and "the" inserted.
2. On page 17, line 28, "and" has been inserted after the semicolon.

LEGISLATIVE BILL 203. Placed on Final Reading.

LEGISLATIVE BILL 235. Placed on Final Reading.

LEGISLATIVE BILL 333. Placed on Final Reading.

LEGISLATIVE BILL 380. Placed on Final Reading.

LEGISLATIVE BILL 469. Placed on Final Reading.

LEGISLATIVE BILL 624. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB373:

AM428

1 1. Strike original section 6.

2 2. On page 2, strike lines 5 through 15 and insert the following new
3 subsection:

4 "(2) Beginning September 7, 2021, no wind energy generation project
5 shall be constructed unless the county in which the project would be
6 located has zoning regulations or a zoning resolution described in
7 section 23-114 as prescribed in subsection (3) of this section.".

8 3. On page 8, line 2, strike "July 1, 2019" and insert "September 7,
9 2021".

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 101. Placed on General File.**LEGISLATIVE BILL 246.** Placed on General File.**LEGISLATIVE BILL 280.** Placed on General File.**LEGISLATIVE BILL 342.** Placed on General File.**LEGISLATIVE BILL 385.** Placed on General File.**LEGISLATIVE BILL 608.** Placed on General File with amendment.
AM1371 1. On page 15, strike beginning with "An" in line 4 through "(4)" in
2 line 11.**LEGISLATIVE BILL 618.** Placed on General File with amendment.
AM5931 1. Strike the original sections and insert the following new
2 sections:3 Section 1. Section 32-1524, Reissue Revised Statutes of Nebraska, is
4 amended to read:5 32-1524 (1) For purposes of this section:6 (a) Electioneering means the deliberate, visible display or audible
7 or physical dissemination of information for the purpose of advocating
8 for or against:9 (i) Any candidate on the ballot for the election at which such
10 display or dissemination is occurring;11 (ii) Any elected officeholder of a state constitutional office or
12 federal office at the time of the election at which such display or
13 dissemination is occurring;14 (iii) Any political party on the ballot for the election at which
15 such display or dissemination is occurring; or16 (iv) Any measure on the ballot for the election at which such
17 display or dissemination is occurring; and18 (b) Information includes:19 (i) Such a candidate's name, likeness, logo, or symbol;20 (ii) Such a ballot measure's number, title, subject matter, logo, or
21 symbol;22 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing
23 information prohibited by this section;24 (iv) Audible information prohibited by this section; and25 (v) Literature or any writing or drawing referring to a candidate,
26 officeholder, or ballot measure described in subdivision (a) of this
27 subsection.1 (2) (1) No judge or clerk of election or precinct or district
2 inspector shall do any electioneering while acting as an election
3 official.4 (3) (2) No person shall do any electioneering, or circulate
5 petitions, or perform any action that involves solicitation within any
6 polling place or any building designated for voters to cast ballots by

7 the election commissioner or county clerk pursuant to the Election Act
 8 while the polling place or building is set up for voters to cast ballots
 9 or within two hundred feet of any such polling place or building except
 10 as otherwise provided in subsection (3) of this section.
 11 ~~(4) (3)~~ Subject to any local ordinance, a person may display yard
 12 signs on private property within two hundred feet of a polling place or
 13 building designated for voters to cast ballots if the property is not
 14 under common ownership with the property on which the polling place or
 15 building is located.
 16 ~~(5) (4)~~ Any person violating this section shall be guilty of a Class
 17 ~~V~~ misdemeanor.
 18 Sec. 2. Original section 32-1524, Reissue Revised Statutes of
 19 Nebraska, is repealed.

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Walz name added to LB15.
 Senator Slama name added to LB205.
 Senator Groene name added to LB209.
 Senator Cavanaugh name added to LB217.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska chapter of the Alzheimer's Association from across the state; members of the Nebraska chapter of the American Foundation for Suicide Prevention; students, teacher, and sponsor from Norfolk High School; students and teachers from Hartington-Newcastle Public School; and students from Cornerstone Christian School, Bellevue.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 2019.

Patrick J. O'Donnell
 Clerk of the Legislature