

SEVENTY-FIRST DAY - MAY 7, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION
SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 7, 2019

PRAYER

The prayer was offered by Pastor Stuart Davis, First Congregational United Church of Christ, Geneva and Exeter.

ROLL CALL

The roll was called and all members were present except Senators Blood, Vargas, and Wishart who were excused; and Senators McCollister, Morfeld, and Pansing Brooks who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 642A. Introduced by McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, One Hundred Sixth Legislature, First Session, 2019.

MESSAGE(S) FROM THE GOVERNOR

May 3, 2019

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

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

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

Michael D. Jahnke, Nebraska State Patrol, 1600 Highway 2, Lincoln, NE 68502

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 3, 2019

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

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

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

Starr Lehl, 330757 County Road K, Minatare, NE 69356
Debra Nelson-Loseke, 604 Apache Street, Columbus, NE 68601
Roger L. Jasnoch, 8 Crestview Drive, Kearney, NE 68845

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

ATTORNEY GENERAL'S OPINION

Opinion 19-007

SUBJECT: Constitutionality of Reducing the Percentage of the Actual Value of Agricultural and Horticultural Land Used in Calculating State Aid Value Under the Tax Equity and Educational Opportunities Support Act

REQUESTED BY: Senator Lou Ann Linehan
 Senator Mark Kolterman
 Senator Mike Groene
 Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You are considering legislation that would reduce the percentage of the actual value of agricultural and horticultural land used in determining state aid value under the Tax Equity and Educational Opportunities Support Act ["TEEOSA"]. Neb. Rev. Stat. §§ 79-1001 to 79-1033 (2014 and Cum. Supp. 2018). Specifically, this potential legislation would amend Neb. Rev. Stat. § 79-1016(3) (Cum. Supp. 2018). You request our opinion on the following three constitutional issues:

1. Does a reduction in adjusted value for agricultural and horticultural property within the TEEOSA formula violate the uniformity requirements of Neb. Const. art. VIII, §1?
2. Does the reduction described herein violate Due Process or Equal Protection under Neb. Const. art. I, § 3?
3. Does the reduction described herein violate Due Process or Equal Protection under the Constitution of the United States?

ANALYSIS

I. Uniformity Clause

Your first question is whether the proposed amendment to the TEEOSA formula would violate the "uniformity clause" of our State Constitution. Neb. Const. art. VIII, § 1(1) provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution;" Neb. Const. art. VIII, § 1(4) authorizes the Legislature to provide that agricultural land and horticultural land constitute a separate class of property for purposes of taxation. In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

"The object of the uniformity clause is accomplished 'if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value.'" *Constructors, Inc. v. Cass County Bd. of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000) (quoting *County of Gage v. State Bd. of Equal.*, 185 Neb. 749, 755, 178 N.W.2d 759, 764 (1970)). "The rule of uniformity applies to both the rate of taxation and the valuation of property for tax-raising purposes." *Grainger Bros. Co. v. Lancaster Cty. Bd. of Equal.*, 180 Neb. 571, 574, 144 N.W.2d 161, 164 (1966). The legislation which you are considering would not change the rate of taxation or the valuation of property for "tax-raising purposes." Rather, it would amend

Neb. Rev. Stat. § 79-1016(3), which is part of the statutory formula used in calculating state aid to schools.

TEEOSA was enacted in 1990 to both equalize school funding and provide property tax relief, in part, through use of a formula for the distribution of state aid to public schools. Neb. Rev. Stat. § 79-1002 (2014). That formula takes into consideration both the needs of local systems and school districts and the resources available to those local systems and school districts. In determining the resources available, TEEOSA requires the Property Tax Administrator to "compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system." Neb. Rev. Stat. § 79-1016(2) (Cum. Supp. 2018). "The adjusted valuation of property of each school district and each local school system, for purposes of determining state aid pursuant to [TEEOSA], shall reflect as nearly as possible the state aid value . . ." *Id.*

As you point out in your request letter, "state aid value" is then defined at Neb. Rev. Stat. § 79-1016(3) to mean:

- (a) For real property other than agricultural and horticultural land, ninety-six percent of actual value;
- (b) For agricultural and horticultural land, seventy-two percent of actual value as provided in sections 77-1359 to 77-1363. For agricultural and horticultural land that receives special valuation pursuant to section 77-1344, seventy-two percent of special valuation as defined in section 77-1343; and
- (c) For personal property, the net book value as defined in section 77-120.

You are "considering introducing an amendment to a bill currently in the Revenue Committee that would reduce the range of adjusted valuation for agricultural and horticultural property" for purposes of the statutory state aid formula, while the adjusted valuation for state aid purposes for all other real property would remain at a higher percent.¹ This potential legislation would make a change in the computation of available resources in the TEEOSA formula. However, because it would not change the rate of taxation or the valuation of real property for taxation purposes, there is no question that arises under the uniformity clause.

II. Equal Protection and Due Process

Your second and third questions concern the equal protection and due process provisions of both the Nebraska and United States Constitutions. Neb. Const. art. I, § 3 provides: "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws." U.S. Const. Amend. XIV, § 1 provides, in pertinent part, "nor

shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Nebraska Supreme Court has held that the "Nebraska Constitution and the U.S. Constitution have identical requirements for equal protection challenges." *Lingenfelter v. Lower Elkhorn Natural Resources District*, 294 Neb. 46, 77, 881 N.W.2d 892, 914 (2016); *Citizens of Decatur for Equal Educ. v. Lyons-Decatur School Dist.*, 274 Neb. 278, 302, 739 N.W.2d 742, 762 (2007) ["Decatur"]. And, the Court has stated that the language of the due process clauses of the State and Federal Constitutions is similar such that they are often discussed together. *Decatur* at 293, 739 N.W.2d at 756; *Marshall v. Wimes*, 261 Neb. 846, 850, 626 N.W.2d 229, 234 (2001). Therefore, we will discuss your second and third questions together.

In 2015, this office addressed whether LB 280, which also included a provision to lower the percentage of agricultural and horticultural land used in determining state aid value, violated the special legislation clause at Neb. Const. art. III, § 18 by creating a totally arbitrary and unreasonable method of classification. Op. Att'y Gen. No. 15002 (February 17, 2015). We will briefly summarize that opinion here. "A special legislation analysis focuses on a legislative body's purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *J. M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489 (2014). The question we discussed, therefore, was "whether the distinction between the percentages of agricultural and horticultural lands and other real property, utilizing a percentage below the midpoint of the range for agricultural and horticultural lands and land subject to special valuation while retaining the midpoint of the range for other real property, establishes an arbitrary and unreasonable classification." Op. Att'y Gen. No. 15002 at 3-4.

In that opinion, we also looked back at the legislative history of an earlier 2011 bill (LB 440), which was similar to LB 280, and the purposes articulated in support of that bill. Those purposes included providing more state aid to more rural school districts and to "help neutralize the effect of soaring agricultural land values and resulting decrease in state aid that burdens our rural communities in supporting K-12 school districts." Committee Records on LB 440, 102nd Leg., 1st Sess. 1-2 (February 1, 2011) (Statement of Sen. Heidemann). It was also noted that the number of school districts not receiving equalization aid under TEEOSA had risen considerably. *Id.* at 2 (Statement of Sen. Heidemann). In our 2015 opinion, we stated that the purposes articulated in support of LB 440 also provided an adequate basis for the distinction between agricultural and horticultural lands and other real property in LB 280. "Given the substantial increase in the valuation of agricultural and horticultural lands statewide in recent years, which has outpaced increases in the valuation of other real property, utilizing a different, lower percentage of agricultural land value in the calculation of state aid is not arbitrary or unreasonable, as it is based on real

substantial differences between such lands and other real property." Op. Atty Gen. No. 15002 at 4. We concluded that such a provision in LB 280 did not result in an improper classification in violation of the special legislation clause of our State Constitution.

Subsequent to the issuance of that Attorney General opinion, a committee hearing was held on LB 280. A review of the legislative history of LB 280 reveals that similar reasons were articulated in support of that bill. "[T]oday, two-thirds of all school districts in Nebraska receive no TEEOSA and must rely completely on taxes assessed on local property owners to meet the needs of the district." Committee Records on LB 280, 104th Leg., 1st Sess. 34 (February 18, 2015) (Statement of Sen. Davis). LB 280 "lowers the percentage of agricultural land valuation from 75 percent to 65 percent in the resources side of the TEEOSA formula." *Id.* at 35. Examples were provided of a "disproportionate property tax burden being felt by rural Nebraskans." *Id.* at 34-35. We expect that the purposes articulated in support of both LB 440 and LB 280 will also apply to your proposed legislation. In addition, your request letter states one of the goals of the legislation is "to reduce the reliance on local property taxes to fund public schools."

The potential legislation which you describe is similar to the provisions proposed in 2011 (LB 440) and 2015 (LB 280). While we previously concluded that such a provision would not violate the Nebraska special legislation clause, you have now inquired whether it would violate state and federal equal protection clauses. While "[s]pecial legislation analysis is similar to an equal protection analysis . . . , the focus of each test is different." *Hug v. City of Omaha*, 275 Neb. 820, 826, 749 N.W.2d 884, 890 (2008). "The analysis under a special legislation inquiry focuses on the Legislature's purpose in creating the class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *Id.* "This is different from an equal protection analysis under which the state interest in legislation is compared to the statutory means selected by the Legislature to accomplish that purpose." *Id.* It is important to note that the "test for validity under the special legislation prohibition is more stringent than the traditional rational basis test" employed in equal protection clause analysis. *Haman v. Marsh*, 237 Neb. 699, 713, 467 N.W.2d 836, 846-47 (1991). In other words, if legislation to reduce the percentage of the actual value of agricultural and horticultural lands used in determining state aid value under TEEOSA meets the test for validity under the special legislation clause, it follows that it will meet the less stringent rational basis test of the equal protection clause.

A potential challenger would need to first demonstrate that he or she was treated differently than others similarly situated. The equal protection clause "does not forbid classifications; it simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike." *Decatur*, 274 Neb. at 303, 739 N.W.2d at 762. Even if that first requirement is met, if "the classifications involved in a statute do not create any suspect class or address any fundamental right, the court applies

only minimal scrutiny under the equal protection analysis." *Staley v. City of Omaha*, 271 Neb. 543, 553, 713 N.W.2d 457, 468 (2006). "[T]he burden is upon the challenging party to eliminate any reasonably conceivable state of facts that could provide a rational basis for the classification." *Decatur*, 274 Neb. at 303, 739 N.W.2d at 763.

There is also a substantial overlap between the tests applied under a due process and an equal protection analysis. As stated by the Nebraska Supreme Court in *Decatur*, "[I]n both equal protection and due process challenges – when a fundamental right or suspect classification is not involved – a government act is a valid exercise of police power if it is rationally related to a legitimate governmental purpose." *Id.* at 293-94, 739 N.W.2d at 756. In that case, a coalition of parents and taxpayers argued that the free instruction clause at Neb. Const. art. VII, § 1 guarantees a fundamental right to equal and adequate funding of schools within the same school district. The Court held that the free instruction clause does not confer a fundamental right to equal funding of schools so that the appropriate level of scrutiny was the rational basis test. Further, the school board's actions, taken because the school board was faced with increasing budget deficits and needed to reduce costs, "were rationally related to its legitimate goal of providing an education to all children in the district." *Id.* at 302, 739 N.W.2d at 762.

As we pointed out in Op. Att'y Gen. No. 15002, the Legislature has been given broad discretion in determining the proper means to fund our schools. *Id.* at 5. "Nebraska's constitutional history shows that the people of Nebraska have repeatedly left school funding decisions to the Legislature's discretion." *Nebraska Coalition for Educational Equity and Adequacy v. Heineman*, 273 Neb. 531, 550, 731 N.W.2d 164, 179 (2007). If the legislation which you describe is enacted for the purposes of getting more state aid to rural school districts and reducing the reliance on local property taxes to fund public schools, we think that a court would find that the legislation is rationally related to these goals.

Finally, to the extent a constitutional challenge might be made to the legislation you propose by a county or school district, we note that both U.S. Const. Amend. XIV and Neb. Const. art. I, § 3 prohibit the State from depriving any "person" of life, liberty, or property without due process of law or from denying any "person" the equal protection of the laws. Therefore, counties, school districts and other political subdivisions have no due process or equal protection rights against the State. "A county, as a creature and political subdivision of the State, is neither a natural nor an artificial person Accordingly, a county cannot invoke the protection of the 14th amendment against the State." *Rock County v. Spire*, 235 Neb. 434, 448, 455 N.W.2d 763, 771 (1990). "In the instant case, the [school] district, as a creature and political subdivision of the state, is neither a natural nor an artificial 'person' and, therefore, cannot invoke due process protection against the state." *Loup City Public Schools v. Nebraska Dep't of Revenue*, 252 Neb. 387, 394, 562 N.W.2d 551, 556 (1997).

CONCLUSION

You are considering legislation that would change that part of the statutory TEEOSA formula which takes into consideration the resources available to local systems and school districts. In particular, the legislation would reduce the percentage of the actual value of agricultural and horticultural lands used in calculating state aid value in Neb. Rev. Stat. § 79-1016(3). As the uniformity clause of our State Constitution requires uniformity in both the rate of taxation and the valuation of property for tax-raising purposes, and your proposed legislation would only make a change in the value of agricultural and horticultural lands for purposes of the TEEOSA formula, there is no constitutional question that arises under the uniformity clause. Also, for the reasons stated above, we do not believe that the proposed legislation would contravene equal protection or substantive due process requirements. We expect that the reasons articulated in support of such legislation would provide a rational basis for the reduction in value for purposes of the TEEOSA formula.

¹We note that AM1572 to LB 289 was filed after we received your opinion request. Section 38 of that amendment would amend Neb. Rev. Stat. § 79-1016(3) to provide that state aid value for agricultural and horticultural lands would be reduced to 62 percent of actual value while state aid value for other real property would be reduced to 86 percent of actual value.

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

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
09-625-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 97, 99, and 100 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 97, 99, and 100.

GENERAL FILE

LEGISLATIVE BILL 86A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 209. Senator Chambers renewed his motion, MO76, found on page 1373 and considered on page 1379, to bracket until June 6, 2019.

Senator Albrecht offered the following motion:

MO77

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Albrecht requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 37:

Albrecht	Crawford	Halloran	Lindstrom	Slama
Arch	DeBoer	Hansen, B.	Linehan	Stinner
Bolz	Dorn	Hilgers	Lowe	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lathrop	Scheer	

Voting in the negative, 5:

Chambers	Hansen, M.	Hunt	Morfeld	Pansing Brooks
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Present and not voting, 4:

Cavanaugh	Howard	Kolowski	McCollister
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Excused and not voting, 3:

Blood	Vargas	Wishart
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The Albrecht motion to invoke cloture prevailed with 37 ayes, 5 nays, 4 present and not voting, and 3 excused and not voting.

The Chambers motion to bracket failed with 8 ayes, 36 nays, 2 present and not voting, and 3 excused and not voting.

The Hunt motion, MO71, found on page 1333 and considered on page 1373, to recommit to committee, failed with 8 ayes, 37 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 9 nays, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 108. Introduced by Pansing Brooks, 28; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Chris Beutler worked tirelessly for the residents of the city of Lincoln and the State of Nebraska as a faithful public servant; and

WHEREAS, Chris Beutler, an Omaha native, graduated from Omaha Benson High School, earned a bachelor's degree from Yale University, and a law degree from the University of Nebraska-Lincoln; and

WHEREAS, Chris Beutler served as a teacher in Turkey with the Peace Corps from 1966 to 1967; and

WHEREAS, Chris Beutler served our country in the United States Army from 1969 to 1971; and

WHEREAS, Chris Beutler was elected as a State Senator in Legislative District 28 in 1978 and served through 1986 and was elected again in 1990 and served through 2006 for a total of 24 years of state legislative service; and

WHEREAS, in 2007, Chris Beutler was elected as the mayor of the city of Lincoln and was reelected in 2011 and 2015, making him the longest-serving mayor in the city of Lincoln; and

WHEREAS, Chris Beutler has been so diligent in his policy making that he reviews and edits all documents that cross his path, whether legislative bills, amendments, resolutions, ordinances, or reports from staff, which led to the description of a document being "Beutlerized"; and

WHEREAS, Chris Beutler helped execute and implement Lincoln business leaders' plan for Lincoln's growth, Vision 2015, including the P Street Corridor, Centennial Mall, Union Plaza, West Haymarket, Pinnacle Bank Arena, Breslow Ice Center, and Tower Square; and

WHEREAS, Chris Beutler supported and initiated infrastructure development working to make Lincoln a 1-gigabyte city, creating an

entertainment district, supporting the arts, and interconnecting Lincoln's citizens through trails and parks; and

WHEREAS, Chris Beutler's final term as mayor of the city of Lincoln will end in May of 2019, after leading the city to unprecedented growth, progress, and development.

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

1. That the Legislature extends its appreciation to Chris Beutler for his many years of service and his dedication to Lincoln and Nebraska.
2. That a copy of this resolution be sent to Chris Beutler.

Laid over.

LEGISLATIVE RESOLUTION 109. Introduced by Bolz, 29; Howard, 9; Pansing Brooks, 28.

WHEREAS, David P. Newell of Omaha joined the leadership team of PromiseShip (formerly Nebraska Families Collaborative) in 2010 and has steered the organization through the challenges of child welfare privatization; and

WHEREAS, Dave was appointed by Governor Heineman to serve on the Nebraska Children's Commission, was reappointed by Governor Ricketts, and elected to serve as the chair in 2017; and

WHEREAS, Dave was selected for an Annie E. Casey Foundation Children and Family Fellowship in 2013; and

WHEREAS, Dave was recognized in 2013 by the Omaha Metropolitan Child Advocacy Coalition for outstanding contributions to the community on behalf of children, youth, and families, and in 2016 by the Child Savings Institute with the A.W. Clark award for his demonstrated vision and outstanding commitment to serving children, youth, and families; and

WHEREAS, Dave holds a certificate of nonprofit management and a Master of Social Work degree from the University of Alaska Anchorage, and a Bachelor of Science degree in education from Southern Illinois University Edwardsville; and

WHEREAS, Dave is a member of the Nebraska Children's Commission, National Association of Social Workers, and Academy of Certified Social Workers and is a licensed social worker in Nebraska and New York; and

WHEREAS, prior to coming to Nebraska, Dave served as a regional vice president at EMQ Families First in California, as the executive director at Denali Family Services in Alaska, and as the Chair of the Alaska Behavioral Health Association; and

WHEREAS, Dave has more than twenty-six years of social services experience in both direct service and leadership roles.

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

1. That the Legislature thanks David P. Newell, CSW, ACSW, for his leadership and his service to children and families in Nebraska.

2. That a copy of this resolution be sent to David Newell.

Laid over.

LEGISLATIVE RESOLUTION 110. Introduced by Bolz, 29.

WHEREAS, Brigadier General Wendy K. Johnson of Elba began her career in the Nebraska Air National Guard as an enlisted administrative clerk with the 155th Combat Support Squadron in Lincoln in 1984; and

WHEREAS, General Johnson was commissioned as a Second Lieutenant in 1988 at the Academy of Military Science at McGhee-Tyson Air National Guard Base in Tennessee; and

WHEREAS, General Johnson has held multiple leadership positions at the flight, squadron, and group level, including Equal Opportunity Officer, Social Actions Chief, Logistics Officer, Mission Support Flight Commander, Wing Commander, Squadron Commander, Group Commander, Joint Force Headquarters Chief of Staff, and Joint Force Headquarters Joint Staff Director; and

WHEREAS, General Johnson is a highly decorated veteran of multiple overseas deployments, including an assignment to the U.S. Central Command; and

WHEREAS, in April of 2016, General Johnson became the first woman in the history of the Nebraska National Guard to pin on the rank of general officer; and

WHEREAS, General Johnson became the first woman to lead the Nebraska Air National Guard as the assistant adjutant general for air when she assumed command in June of 2018; and

WHEREAS, General Johnson is responsible to the Adjutant General for leadership, management, and command and control of the Nebraska Air National Guard units to support both federal and state missions.

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

1. That the Nebraska Legislature congratulates and thanks Brigadier General Wendy K. Johnson for her leadership and service to the state and the country.

2. That a copy of this resolution be sent to Brigadier General Wendy K. Johnson.

Laid over.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 86. Placed on Final Reading.

LEGISLATIVE BILL 96. Placed on Final Reading.

LEGISLATIVE BILL 155. Placed on Final Reading.

LEGISLATIVE BILL 179. Placed on Final Reading.

LEGISLATIVE BILL 184. Placed on Final Reading.

ST22

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

1. In the Standing Committee amendment, AM1252:
 - a. On page 20, line 7, "sections" has been struck and "section" inserted; and
 - b. On page 22, line 5, "services" has been struck and "service" inserted.

LEGISLATIVE BILL 375. Placed on Final Reading.**LEGISLATIVE BILL 411.** Placed on Final Reading.

ST21

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

1. In the Standing Committee amendments, AM514, on page 46, line 9, "(3)" has been struck, shown as stricken, and "(4)" inserted.
2. On page 1, the matter beginning with "county" in line 1 through line 5 and all amendments thereto have been struck and "government; to amend sections 18-2515, 23-149, 23-202, 23-293, 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903, 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes Cumulative Supplement, 2018; to name, change, and transfer provisions regarding the county civil service commission; to change provisions relating to metropolitan utilities districts, initiative and referendum petitions, municipal economic development programs, county boards, county organization, sanitary and improvement districts, election provisions, recall provisions, conflicts of interest, and penalty provisions for violations relating to political accountability and disclosure; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 418. Placed on Final Reading.**LEGISLATIVE BILL 460.** Placed on Final Reading.**LEGISLATIVE BILL 460A.** Placed on Final Reading.**LEGISLATIVE BILL 478.** Placed on Final Reading.**LEGISLATIVE BILL 560.** Placed on Final Reading.**LEGISLATIVE BILL 570.** Placed on Final Reading.**LEGISLATIVE BILL 570A.** Placed on Final Reading.

LEGISLATIVE BILL 595. Placed on Final Reading.

ST20

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

1. In the Albrecht amendments, AM1510, on page 2, line 27, "or mediation" has been struck and shown as stricken and ", mediation, or restorative justice" inserted.

2. In the E & R amendments, ER 95, on page 1, line 5, "43-2,108.02, 43-2,108.03," has been struck; in line 7 the first "and" has been struck; and in line 8 before the semicolon ", and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019" has been inserted.

(Signed) Julie Slama, Chairperson

GENERAL FILE**LEGISLATIVE BILL 675.** Title read. Considered.

Committee AM1308, found on page 1272, was offered.

Senator Groene offered his amendment, AM1499, found on page 1319, to the committee amendment.

The Groene amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendments, FA27, FA28, FA29, FA30, and FA31, found on page 988.

Senator Wayne withdrew his motion, MO39, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne offered the following amendment:

AM1567

- 1 1. Insert the following new section:
- 2 Sec. 2. Commencing with the 2020-21 school year, if two or more high
- 3 schools from different school districts compete in one or more
- 4 extracurricular activities as a single team, each such school district
- 5 shall participate in the completion of a study of the feasibility of
- 6 consolidating such school districts. Such study shall include efficiency,
- 7 demographic, curriculum, facility, financial, and community components
- 8 and shall be completed, presented to the school board of each such school
- 9 district, and submitted to the State Department of Education within two
- 10 years of the commencement of the school year in which such competition

11 occurs.

12 2. Renumber the original sections and correct internal references
13 accordingly.

Senator Wayne withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 642. Placed on General File with amendment.

AM1501

1 1. On page 4, line 31, strike "one" and insert "five hundred

2 thousand".

3 2. On page 5, line 1, strike "million"; and in line 15 strike the

4 new matter and reinstate the stricken matter and strike "four", show as

5 stricken, and insert "nine".

(Signed) John Stinner, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee

LR104 Executive Board

Jahnke, Michael D. - Public Employees Retirement Board - Nebraska Retirement Systems

Jasnoch, Roger L. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Lehl, Starr - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Nelson-Loseke, Debra - Nebraska Tourism Commission - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 111. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 112. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the statutes governing cities of the primary class in Chapter 15 of Nebraska Revised Statutes. The goal of the study shall be to update and modernize statutes through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB519:
AM1602

(Amendments to Standing Committee amendments, AM1460)

- 1 1. Strike sections 4 and 7 and insert the following new section:
- 2 Sec. 4. Section 28-710, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
- 5 as the Child Protection and Family Safety Act.
- 6 (2) For purposes of the Child Protection and Family Safety Act:
- 7 (a) Alternative response means a comprehensive assessment of (i)
- 8 child safety, (ii) the risk of future child abuse or neglect, (iii)
- 9 family strengths and needs, and (iv) the provision of or referral for
- 10 necessary services and support. Alternative response is an alternative to

11 traditional response and does not include an investigation or a formal
12 determination as to whether child abuse or neglect has occurred, and the
13 subject of the report shall not be entered into the central registry of
14 child protection cases maintained pursuant to section 28-718;
15 (b) Child abuse or neglect means knowingly, intentionally, or
16 negligently causing or permitting a minor child to be:
17 (i) Placed in a situation that endangers his or her life or physical
18 or mental health;
19 (ii) Cruelly confined or cruelly punished;
20 (iii) Deprived of necessary food, clothing, shelter, or care;
21 (iv) Left unattended in a motor vehicle if such minor child is six
22 years of age or younger;
23 (v) ~~Placed in a situation to be sexually~~ Sexually abused;~~or~~
24 (vi) Placed in a situation to be sexually Sexually exploited through
25 sex trafficking of a minor as defined in section 28-830 or by allowing,
26 encouraging, or forcing such person to ~~solicit for~~ or engage in
1 ~~prostitution,~~ debauchery, public indecency, or obscene or pornographic
2 photography, films, or depictions; or
3 (vii) Placed in a situation to be a trafficking victim as defined in
4 section 28-830;
5 (c) Comprehensive assessment means an analysis of child safety, risk
6 of future child abuse or neglect, and family strengths and needs on a
7 report of child abuse or neglect. Comprehensive assessment does not
8 include a determination as to whether the child abuse or neglect occurred
9 but does determine the need for services and support to address the
10 safety of children and the risk of future abuse or neglect;
11 (d) Department means the Department of Health and Human Services;
12 (e) Investigation means fact gathering related to the current safety
13 of a child and the risk of future child abuse or neglect that determines
14 whether child abuse or neglect has occurred and whether child protective
15 services are needed;
16 (f) Law enforcement agency means the police department or town
17 marshal in incorporated municipalities, the office of the sheriff in
18 unincorporated areas, and the Nebraska State Patrol;
19 (g) Out-of-home child abuse or neglect means child abuse or neglect
20 occurring outside of a child's family home, including in day care homes,
21 foster homes, day care centers, residential child-caring agencies as
22 defined in section 71-1926, ~~and~~ other child care facilities or
23 institutions, and the community. Out-of-home child abuse or neglect also
24 includes cases in which the subject of the report of child abuse or
25 neglect is not a member of the child's household, no longer has access to
26 the child, is unknown, or cannot be identified;
27 (h) Review, Evaluate, and Decide Team means an internal team of
28 staff within the department and shall include no fewer than two
29 supervisors or administrators and two staff members knowledgeable on the
30 policies and practices of the department, including, but not limited to,
31 the structured review process. County attorneys, child advocacy centers,
1 or law enforcement agency personnel may attend team reviews upon request
2 of a party;

3 (i) Traditional response means an investigation by a law enforcement
4 agency or the department pursuant to section 28-713 which requires a
5 formal determination of whether child abuse or neglect has occurred; and
6 (j) Subject of the report of child abuse or neglect or subject of
7 the report means the person or persons identified in the report as
8 responsible for the child abuse or neglect.
9 2. Renumber the remaining sections and correct the repealer
10 accordingly.

VISITOR(S)

Visitors to the Chamber were students from Trinity Lutheran School, Fremont; students from Leigh Community Schools; and Detachment Commander Robert "Bud" Neel of the Sons of the American Legion from Wayne.

RECESS

At 11:47 a.m., on a motion by Senator Brandt, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Blood, Howard, Vargas, and Wishart who were excused; and Senators DeBoer, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

Committee AM1572, found on page 1400, was offered.

Senator Linehan withdrew her amendment, AM1381, found on page 1205.

Senator Chambers offered the following motion:

MO78

Bracket until June 5, 2019.

Senator Chambers withdrew his motion to bracket.

Senator Hughes offered the following amendment to the committee amendment:

AM1637

(Amendments to Standing Committee amendments, AM1572)

1 1. On page 93, line 24, strike "section is" and insert "sections
2 are" and strike "Section" and insert "Sections"; and in line 25 after
3 "77-2704.56" insert "and 77-2704.67".

SENATOR WAYNE PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 113. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine existing anti-discrimination laws to ensure they are advancing the public policy of Nebraska. The public policy of Nebraska is to protect workers against unlawful discrimination or denial of equal employment. In furtherance of this policy, Nebraska has several employment anti-discrimination statutes. The issues addressed by this interim study shall include, but not be limited to:

- (1) Whether existing statutes sufficiently protect all employees from impermissible discrimination;
- (2) Whether existing statutes duplicate, overlap, or conflict with each other; and
- (3) Whether modifications or amendments to existing nondiscrimination statutes are needed.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB289:

AM1603

(Amendments to Standing Committee amendments, AM1572)

1 1. Insert the following new section:
2 Sec. 20. Section 77-4008, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 77-4008 (1)(a) A tax is hereby imposed upon the first owner of
 5 tobacco products to be sold in this state.
 6 (b) The tax on cigars, cheroots, and stogies shall be twenty percent
 7 of (i) the purchase price of the cigars, cheroots, or stogies paid by the
 8 first owner or (ii) the price at which a first owner who made,
 9 manufactured, or fabricated the cigars, cheroots, or stogies sells the
 10 items to others, except that the maximum tax imposed under this
 11 subdivision (b) shall be fifty cents for each cigar, cheroot, or stogie.
 12 ~~(c)~~ ~~(b)~~ The tax on snuff shall be forty-four cents per ounce and a
 13 proportionate tax at the like rate on all fractional parts of an ounce.
 14 Such tax shall be computed based on the net weight as listed by the
 15 manufacturer.
 16 ~~(d)~~ ~~(e)~~ The tax on tobacco products other than cigars, cheroots,
 17 stogies, and snuff shall be twenty percent of (i) the purchase price of
 18 such tobacco products paid by the first owner or (ii) the price at which
 19 a first owner who made, manufactured, or fabricated the tobacco product
 20 sells the items to others, except that the maximum tax imposed under this
 21 subdivision (d) shall be twenty-five cents per ounce.
 22 ~~(e)~~ ~~(d)~~ The tax on tobacco products shall be in addition to all
 23 other taxes.
 24 (2) Whenever any person who is licensed under section 77-4009
 25 purchases tobacco products from another person licensed under section
 26 77-4009, the seller shall be liable for the payment of the tax.
 1 (3) Amounts collected pursuant to this section shall be used and
 2 distributed pursuant to section 77-4025.
 3 2. Renumber the remaining sections and correct internal references
 4 accordingly.
 5 3. Correct the operative date and repealer sections so that the
 6 section added by this amendment becomes operative on July 1, 2019.

Senator Wayne filed the following amendment to LB289:
 AM1606

(Amendments to Standing Committee amendments, AM1572)

1 1. Strike section 16 and insert the following new section:
 2 Sec. 16. Section 77-2715.07, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 77-2715.07 (1) There shall be allowed to qualified resident
 5 individuals as a nonrefundable credit against the income tax imposed by
 6 the Nebraska Revenue Act of 1967:
 7 (a) A credit equal to the federal credit allowed under section 22 of
 8 the Internal Revenue Code; and
 9 (b) A credit for taxes paid to another state as provided in section
 10 77-2730.
 11 (2) There shall be allowed to qualified resident individuals against
 12 the income tax imposed by the Nebraska Revenue Act of 1967:
 13 (a) For returns filed reporting federal adjusted gross incomes of
 14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
 15 to twenty-five percent of the federal credit allowed under section 21 of
 16 the Internal Revenue Code of 1986, as amended, except that for taxable

17 years beginning or deemed to begin on or after January 1, 2015, such
18 nonrefundable credit shall be allowed only if the individual would have
19 received the federal credit allowed under section 21 of the code after
20 adding back in any carryforward of a net operating loss that was deducted
21 pursuant to such section in determining eligibility for the federal
22 credit;

23 (b) For returns filed reporting federal adjusted gross income of
24 twenty-nine thousand dollars or less, a refundable credit equal to a
25 percentage of the federal credit allowable under section 21 of the
26 Internal Revenue Code of 1986, as amended, whether or not the federal
1 credit was limited by the federal tax liability. The percentage of the
2 federal credit shall be one hundred percent for incomes not greater than
3 twenty-two thousand dollars, and the percentage shall be reduced by ten
4 percent for each one thousand dollars, or fraction thereof, by which the
5 reported federal adjusted gross income exceeds twenty-two thousand
6 dollars, except that for taxable years beginning or deemed to begin on or
7 after January 1, 2015, such refundable credit shall be allowed only if
8 the individual would have received the federal credit allowed under
9 section 21 of the code after adding back in any carryforward of a net
10 operating loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
13 individuals who qualify for an income tax credit as a qualified beginning
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
15 for all taxable years beginning or deemed to begin on or after January 1,
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;
21 and

22 (e)(i) ~~(e)~~ A refundable credit equal to:

23 (A) For taxable years beginning or deemed to begin before January 1,
24 2020, ten percent of the federal credit allowed under section 32 of the
25 Internal Revenue Code of 1986, as amended; and ;

26 (B) For taxable years beginning or deemed to begin on or after
27 January 1, 2020:

28 (I) Fifteen percent of the federal credit allowed under section 32
29 of the Internal Revenue Code of 1986, as amended, if the taxpayer resides
30 in an area that has been declared an extremely blighted area under
31 section 2, Legislative Bill 86, One Hundred Sixth Legislature, First
1 Session, 2019; or

2 (II) Thirteen percent of the federal credit allowed under section 32
3 of the Internal Revenue Code of 1986, as amended, if the taxpayer does
4 not reside in such an area.

5 (ii) For ~~except that for~~ taxable years beginning or deemed to begin
6 on or after January 1, 2015, ~~the such~~ refundable credit ~~provided in~~
7 subdivision (2)(e)(i) of this section shall be allowed only if the
8 individual would have received the federal credit allowed under section

9 32 of the code after adding back in any carryforward of a net operating
10 loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit.

12 (3) There shall be allowed to all individuals as a nonrefundable
13 credit against the income tax imposed by the Nebraska Revenue Act of
14 1967:

15 (a) A credit for personal exemptions allowed under section
16 77-2716.01;

17 (b) A credit for contributions to certified community betterment
18 programs as provided in the Community Development Assistance Act. Each
19 partner, each shareholder of an electing subchapter S corporation, each
20 beneficiary of an estate or trust, or each member of a limited liability
21 company shall report his or her share of the credit in the same manner
22 and proportion as he or she reports the partnership, subchapter S
23 corporation, estate, trust, or limited liability company income;

24 (c) A credit for investment in a biodiesel facility as provided in
25 section 77-27,236;

26 (d) A credit as provided in the New Markets Job Growth Investment
27 Act;

28 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
29 Revitalization Act;

30 (f) A credit to employers as provided in section 77-27,238; and

31 (g) A credit as provided in the Affordable Housing Tax Credit Act.

1 (4) There shall be allowed as a credit against the income tax
2 imposed by the Nebraska Revenue Act of 1967:

3 (a) A credit to all resident estates and trusts for taxes paid to
4 another state as provided in section 77-2730;

5 (b) A credit to all estates and trusts for contributions to
6 certified community betterment programs as provided in the Community
7 Development Assistance Act; and

8 (c) A refundable credit for individuals who qualify for an income
9 tax credit as an owner of agricultural assets under the Beginning Farmer
10 Tax Credit Act for all taxable years beginning or deemed to begin on or
11 after January 1, 2009, under the Internal Revenue Code of 1986, as
12 amended. The credit allowed for each partner, shareholder, member, or
13 beneficiary of a partnership, corporation, limited liability company, or
14 estate or trust qualifying for an income tax credit as an owner of
15 agricultural assets under the Beginning Farmer Tax Credit Act shall be
16 equal to the partner's, shareholder's, member's, or beneficiary's portion
17 of the amount of tax credit distributed pursuant to subsection (4) of
18 section 77-5211.

19 (5)(a) For all taxable years beginning on or after January 1, 2007,
20 and before January 1, 2009, under the Internal Revenue Code of 1986, as
21 amended, there shall be allowed to each partner, shareholder, member, or
22 beneficiary of a partnership, subchapter S corporation, limited liability
23 company, or estate or trust a nonrefundable credit against the income tax
24 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
25 partner's, shareholder's, member's, or beneficiary's portion of the
26 amount of franchise tax paid to the state under sections 77-3801 to

27 77-3807 by a financial institution.

28 (b) For all taxable years beginning on or after January 1, 2009,
29 under the Internal Revenue Code of 1986, as amended, there shall be
30 allowed to each partner, shareholder, member, or beneficiary of a
31 partnership, subchapter S corporation, limited liability company, or
1 estate or trust a nonrefundable credit against the income tax imposed by
2 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
3 member's, or beneficiary's portion of the amount of franchise tax paid to
4 the state under sections 77-3801 to 77-3807 by a financial institution.

5 (c) Each partner, shareholder, member, or beneficiary shall report
6 his or her share of the credit in the same manner and proportion as he or
7 she reports the partnership, subchapter S corporation, limited liability
8 company, or estate or trust income. If any partner, shareholder, member,
9 or beneficiary cannot fully utilize the credit for that year, the credit
10 may not be carried forward or back.

11 (6) There shall be allowed to all individuals nonrefundable credits
12 against the income tax imposed by the Nebraska Revenue Act of 1967 as
13 provided in section 77-3604 and refundable credits against the income tax
14 imposed by the Nebraska Revenue Act of 1967 as provided in section
15 77-3605.

Senator Quick filed the following amendment to LB424:
AM1513 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 289. The Hughes amendment, AM1637, found in
this day's Journal, to the committee amendment, was renewed.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 86A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 657. Placed on Final Reading.

ST19

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

1. On page 1, the matter beginning with "section" in line 1 through line 5
and all amendments thereto has been struck and "sections 2-5701 and

28-401, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Farming Act; to change provisions relating to the industrial hemp agricultural pilot program and define and redefine terms; to define and redefine terms under the Uniform Controlled Substances Act; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 657A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

SPEAKER'S MAJOR PROPOSAL

May 7, 2019

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Scheer's request that LB298 be designated as a 2019 Speaker Major Proposal.

Respectfully,
(Signed) Senator Mike Hilgers
Chair, Executive Board

C: Speaker Jim Scheer
Senator John Stinner

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB289:
AM1653

(Amendments to Standing Committee amendments, AM1572)

- 1 1. Strike sections 13 and 17.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

Senator Chambers filed the following amendment to LB289:
AM1655

(Amendments to Standing Committee amendments, AM1572)

- 1 1. On page 26, lines 13 and 14, strike the new matter.

Senator Chambers filed the following amendment to LB289:
AM1654

(Amendments to Standing Committee amendments, AM1572)

- 1 1. On page 27, line 3, strike "hair care"; and in line 4 after
- 2 "excluding" insert "hair care and".

Senator Chambers filed the following amendment to LB289:

FA66

Amend AM1572

Page 9, line 10 strike and show as stricken "churches and"; line 18 strike and show as stricken "and sales by religious organizations".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 114. Introduced by Hughes, 44.

PURPOSE: The purpose of this interim study is to examine the necessary conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project (N-CORPE) and the Rock Creek augmentation project may dispose of any of the real property each entity owns related to augmentation projects. The study shall consider the benefits of conveyance of the real property as well as any associated risks. As the N-CORPE and Rock Creek projects are of significant economic and legal importance to the State of Nebraska, to the local natural resource districts that own the property where the augmentation projects are located, and to the local economies, a collaborative process is necessary to ensure all interests are represented. The study may result in recommendations for statutory changes, if any, to allow the affected natural Resources Districts to convey their real property while ensuring the uninterrupted operation of the augmentation projects for interstate river compact compliance.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

WITHDRAW - Cointroducer(s)

Senator Hunt name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were students from York Elementary School; students from Holling Heights Elementary School, Millard; students and teachers from Lincoln Northeast High School; students and teacher from Thedford; students from Bloomfield Community Schools; and students from Deshler Lutheran School.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

ADJOURNMENT

At 4:36 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, May 8, 2019.

Patrick J. O'Donnell
Clerk of the Legislature