

SEVENTY-EIGHTH DAY - MAY 16, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 16, 2019

PRAYER

The prayer was offered by Pastor Matt Quanbeck, United Lutheran Church, Laurel.

ROLL CALL

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

The roll was called and all members were present except Senators Dorn, Groene, B. Hansen, Pansing Brooks, Quick, Stinner, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 15, 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 and reappointed to the Nebraska Commission on Industrial Relations:

Gregory M. Neuhaus, J.D., 1700 S. Harrison Street, Grand Island, NE
68803

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR118 Government, Military and Veterans Affairs

Neuhaus, Gregory M. - Commission of Industrial Relations - Business and Labor

(Signed) Mike Hilgers, Chairperson
Executive Board

COMMUNICATION(S)

Date: January 25, 2019
To: Governor Ricketts
Through: Department of Administrative Services
 State Building Division, 309 Task Force
 State Budget Division, Director's Office
From: Nebraska Association of Former Legislators
Description: Acceptance of a gift of labor and materials toward the restoration of the gardens of the Capitol Courtyards

Statutory authority use of gifts for the acquisition of a structure valued greater than \$10,000 is contained in Section 81-176, Section 81-1108.33(2)(a) and Section 81-1108.33(2)(b)(i), Revised Statutes of Nebraska.

May 15, 2019

Senator Mike Hilgers
Chairperson, Executive Board
Room 2000
State Capitol
Lincoln, NE 68509

Dear Senator Hilgers,

Enclosed is correspondence from the Department of Administrative Services. The correspondence relates to a request for approval of a gift of

labor and materials donated per §81-176, §81-1108.33(2)(a), and §81-1108.33(2)(b)(i), Revised Statutes of Nebraska, from the Nebraska Association of Former Legislators.

Restoration of the gardens of the Capitol Courtyards

I am forwarding this correspondence to you for Executive Board action.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:ck
enclosure

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the request to approve a gift of labor and materials from the Nebraska Association of Former Legislators toward the restoration of the gardens of the Capitol Courtyards.

(Signed) Mike Hilgers, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1003

Thursday, May 23, 2019 12:00 p.m.

Request for approval of gift of labor and materials from the Nebraska Association of Former Legislators

(Signed) John Stinner, Chairperson

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 15, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird Holm LLP
MTM Inc.
Hilton, Mary
Smart Approaches to Marijuana Nebraska

GENERAL FILE

LEGISLATIVE BILL 323A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 470A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 686A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 427. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 447. ER117, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 447A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 315. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 281. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 454. ER115, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 260. ER116, found on page 1509, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 726. ER114, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 476. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 505. ER113, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 374. ER118, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 248. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 571. ER120, found on page 1510, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 571A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 561. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 525. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 609. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 719. Senator Erdman withdrew his amendment, AM1820, found on page 1573.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 719A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 62. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 559. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 220. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 135. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 244. ER121, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 308. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 392. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 564. ER122, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 123. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 414. ER119, found on page 1520, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 533. ER123, found on page 1520, was adopted.

Senator Lowe requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 630. Title read. Considered.

Committee AM1635, found on page 1462, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 519. Title read. Considered.

Committee AM1460, found on page 1339, was offered.

Senator Lathrop offered his amendment, AM1602, found on page 1420, to the committee amendment.

Senator Slama moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

The Lathrop amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wishart offered her amendment, AM1591, found on page 1450, to the committee amendment.

The Wishart amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, FA69, found on page 1526, to the committee amendment.

The Chambers amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 462. Senator Wayne withdrew his motion, MO34, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1568, found on page 1367, was offered.

Senator Friesen withdrew his amendment, AM1670, found on page 1440.

Senator Friesen offered his amendment, AM1736, found on page 1455, to the committee amendment.

The Friesen amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Hilgers offered the following amendment to the committee amendment:

AM1837

(Amendments to Standing Committee amendments, AM1568)

- 1 1. On page 8, line 31, after "after" insert "(a)".
- 2 2. On page 9, line 1, after "commission" insert "or (b) for all rate
- 3 increases, at least sixty days' notice to the commission and all impacted
- 4 subscribers".

The Hilgers amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 680. Title read. Considered.

Committee AM1537, found on page 1463, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 153. Placed on General File.

LEGISLATIVE BILL 288. Placed on General File with amendment. AM1594 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 686. Placed on Select File with amendment.

ER125

- 1 1. In the Standing Committee amendments, AM1737, on page 8, line 19,
- 2 after "offense" insert an underscored comma.
- 3 2. On page 1, strike beginning with "the" in line 1 through line 7
- 4 and insert "criminal justice; to amend sections 29-2202 and 29-2268,
- 5 Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105,
- 6 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative
- 7 Supplement, 2018; to change provisions relating to post-release
- 8 supervision; to prohibit the introduction and possession of electronic

9 communication devices in correctional facilities as prescribed; to
10 provide a penalty; to change provisions relating to competency to stand
11 trial; to provide for deferred judgments by courts as prescribed; to
12 prohibit placement of members of vulnerable populations in restrictive
13 housing as prescribed; to change provisions relating to the long-term
14 restrictive housing work group; to harmonize provisions; to provide a
15 duty for the Revisor of Statutes; and to repeal the original sections."

LEGISLATIVE BILL 592. Placed on Select File with amendment.

ER124

1 1. On page 1, strike beginning with "Commission" in line 1 through
2 line 4 and insert "Act; to amend sections 53-103.13 and 53-123.13,
3 Reissue Revised Statutes of Nebraska, and section 53-123.11, Revised
4 Statutes Cumulative Supplement, 2018; to redefine a term; to change
5 provisions relating to farm wineries; and to repeal the original
6 sections."

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 1510

Thursday, May 23, 2019 12:15 p.m.

Gregory M. Neuhaus - Commission of Industrial Relations

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 142. Introduced by Hughes, 44; Albrecht, 17; Bostelman, 23; Erdman, 47; Geist, 25; Gragert, 40; Halloran, 33; Quick, 35.

PURPOSE: The purpose of this interim study is to examine any matter concerning the Game and Parks Commission under the jurisdiction of the Natural Resources Committee of the Legislature. Subjects of the study may include, but are not limited to:

- (1) Commission districts and representation;
- (2) Management of wildlife populations;
- (3) Frequency, content, and location of meetings and hearings; and
- (4) Management of park facilities.

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.

LEGISLATIVE RESOLUTION 143. Introduced by Albrecht, 17.

PURPOSE: The purpose of this interim study is to examine the laws for accounting and financial reporting in political subdivisions to determine a more uniform method of reporting. The study shall also obtain information on financial reporting being used by cities, villages, counties, and school districts across the state and those that have changed from the cash basis to an accrual or modified accrual method. The study shall determine the process, the cost, and any savings, including any impact on debt or bond ratings, resulting from changing from the cash basis to an accrual method.

Each local government has statutes regarding accounting and financial reporting spread across many of the chapters in the Nebraska Revised Statutes. This study shall identify all of the reporting statutes and explore the possibility of consolidating them within the statutes for easier access and understanding.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The accounting and financial reporting statutes for each city, village, county, and school district and possible consolidation of such statutes;
- (2) Accounting methods for cities, villages, counties, and school districts;
- (3) Bond ratings of cities, villages, counties, and school districts;
- (4) The cost to and actions taken by such local governments that have changed from the cash basis to an accrual method; and
- (5) A cost-benefit analysis of the impact the financial reporting and accounting standards have on the debt held by cities, villages, counties, and school districts.

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

1. That the Government, Military and Veterans 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 144. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations.

The issues addressed by this interim study shall include, but not be limited to:

(1) The current statutes relating to cash bonds for all crimes, but particularly minor misdemeanors and violations of city and village ordinances;

(2) The number of individuals held in local jails on cash bonds for misdemeanors and ordinance violations;

(3) The costs to counties to detain and house pretrial detainees for misdemeanors and ordinance violations;

(4) The feasibility of alternatives to cash bonds for misdemeanors and ordinance violations and the consequences or risks to public safety of eliminating cash bonds;

(5) Changes that would permit indigent pretrial detainees to avoid unnecessary and costly county jail stays;

(6) Pretrial release programs and practices utilized by counties in Nebraska; and

(7) Statutory changes needed to reform bail for misdemeanors and ordinance violations.

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

1. That the Judiciary 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 145. Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine the financing of energy efficiency and renewable energy improvements on single-family residential property under the Property Assessed Clean Energy (PACE) Act. The interim study shall include, but not be limited to:

(1) A review of PACE statutes in other states that authorize the financing of energy efficiency and renewable energy improvements on residential property;

(2) A review of active residential PACE programs in other states and recent legislative or regulatory changes to such programs; and

(3) An examination of potential regulations from the federal Consumer Financial Protection Bureau regarding residential PACE programs.

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 146. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the feasibility of introducing a "Prosecutor Transparency Act" in Nebraska and to examine the feasibility of developing a comprehensive data collection and reporting process for city and county prosecutors.

Prosecutors hold a unique and powerful role in the criminal justice system. County and city attorneys are public officials empowered with the responsibility to prosecute violations of law in the name of the public. Although they prosecute cases on behalf of the state, there is relatively little publicly available information about prosecutors' policies and practices with respect to how they carry out their duties. In most cities and counties, appointed and elected prosecutors report very little public data about the operations of their offices or how they utilize their very broad grant of discretion.

Charging decisions and discretionary policies and practices that prosecutors establish and follow have an impact on various matters of public policy, including incarceration levels in local jails and state prisons and the racial disparities that exist in the criminal justice system. Nebraska has a local jail and state prison overcrowding and conditions crisis. Prosecutor transparency is essential to understanding and addressing mass incarceration and racial disparities present at each and every stage in the criminal justice system.

While a growing number of prosecutors' offices across the country have started to make some information public, these efforts are piecemeal and subject to change depending on who is in office. That is why there is an emerging trend in various jurisdictions to ensure comprehensive transparency from all prosecutors. For example, recent laws passed in Florida, Colorado, and Arizona require transparency and data reporting from law enforcement agencies and other actors and provide a sound roadmap for similar requirements from prosecutors. These and other jurisdictions have considered legislation that sets minimum transparency standards for elected prosecutors, ensuring that they collect and make public data and policies available to the communities that they serve. Such "Prosecutor Transparency Acts" can create a framework by which state legislators can hold their prosecutors accountable.

The issues addressed by this interim study shall include, but not be limited to:

(1) Identifying and defining the data points for prosecutors to collect and report, including information about demographics and charging decisions, while protecting individual privacy concerns, logistical challenges, and fiscal impacts;

(2) Identifying a central state agency responsible for making the data publicly available and issuing annual analyses and reports;

(3) Identifying written policies or policy guidance documents about bail and sentencing practices, plea-bargain guidelines, discovery practices, prosecution of youth as adults, mental health screenings, diversion, and parole and probation revocations;

(4) Identifying basic reporting on staff training and discipline in prosecutors' offices;

(5) Whether or not to establish community advisory boards for city and county prosecutors that include representatives of impacted communities, corrections officials, local elected officials, criminal defense attorneys, mental health professionals, or property tax advocates; and

(6) Consideration of prosecutorial transparency and accountability reforms in other municipalities and states.

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

1. That the Judiciary 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 147. Introduced by Hansen, B., 16.

WHEREAS, the Bancroft-Rosalie/Lyons-Decatur Northeast (BRLD) boys' basketball team won the 2019 Class C-2 Boys State Basketball Championship; and

WHEREAS, the BRLD Wolverines defeated Howells-Dodge in the first round of the state tournament with a score of 70-51, defeated Centennial in the second game with a score of 54-25, and defeated Yutan in the State Championship game with a score of 53-42, finishing the season with an impressive 27-1 record; and

WHEREAS, HuskerlandPreps.com named head coach Cory Meyer as the Class C-2 Coach of the Year and sophomore Lucas Vogt as the Class C-2 Player of the Year; and

WHEREAS, the win marked the first state basketball championship title for the BRLD co-op program, which is in its third year; and

WHEREAS, the BRLD boys' basketball team showed sportsmanship and worked together to accomplish this great achievement; and

WHEREAS, the Legislature recognizes the academic, artistic, and athletic 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 the Bancroft-Rosalie/Lyons-Decatur Northeast boys' basketball team and Coach Cory Meyer on winning the 2019 Class C-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie/Lyons-Decatur Northeast boys' basketball team and Coach Cory Meyer.

Laid over.

LEGISLATIVE RESOLUTION 148. Introduced by La Grone, 49; Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to unfunded mandates to county governments for the administration of judicial proceedings. The issues addressed by this interim study shall include, but not be limited to:

(1) The costs incurred by counties in the operation of county courts, including supplies, court costs, attorney's fees, computers, and equipment;

(2) The costs incurred by counties in the operation of juvenile courts, including:

(a) Bailiffs, file clerks, and part-time receptionists;

(b) Appointment of counsel;

(c) Evaluations; and

(d) Supplies;

(3) The costs incurred by counties in the operation of district courts, including:

(a) Law clerks and bailiffs, including employee benefits such as health and dental insurance;

(b) Appointment of counsel;

(c) Law library costs; and

(d) Computers, equipment, furniture, and supplies;

(4) The costs incurred by counties in the process of providing courtroom facilities for county, juvenile, and district courts, including utilities and custodial services; and

(5) The costs incurred by counties in the process of providing courtroom security for county, juvenile, and district courts, including sworn deputies, civilian security officers, and security equipment.

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

1. That the Judiciary 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 149. Introduced by Wayne, 13; La Grone, 49.

PURPOSE: The purpose of this interim study is to examine the burden of unfunded mandates on county budgets. The interim study shall include an examination of the legislative history of each unfunded mandate, the cost of each mandate to each county, and the funding source used by the counties to pay for these unfunded mandates.

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

1. That the Government, Military and Veterans 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 Linehan filed the following amendment to LB289:
AM1754

(Amendments to Standing Committee amendments, AM1572)

1 1. On page 59, line 18, after "the" insert "average"; in line 20
2 strike "and" and insert "for the twelve months ending on September 30 of
3 each year"; and strike line 21.

Senator Briese filed the following amendment to LB183:
AM1846 is available in the Bill Room.

Senator Bolz filed the following amendment to LB109:
AM1854

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-1307, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 81-1307 (1) The Director of Personnel shall be responsible for the
6 administration of the personnel division. Subject to the review powers of
7 the State Personnel Board, the director shall be responsible for
8 development of recommendations on personnel policy and for
9 development of
9 specific administrative systems and shall have the authority to adopt,

10 promulgate, and enforce rules and regulations pertaining thereto. The
 11 director shall be responsible for specific administrative systems
 12 including, but not limited to, the following:

13 (a) ~~(1)~~ Employment Services:

14 (i) ~~(a)~~ General employment policies and procedures;

15 (ii) ~~(b)~~ Position classification plans;

16 (iii) ~~(c)~~ Job descriptions;

17 (iv) ~~(d)~~ Job specifications;

18 (v) ~~(e)~~ Salary or pay plans;

19 (vi) ~~(f)~~ Staffing patterns; and

20 (vii) ~~(g)~~ Recruiting of qualified applicants for employment and the
 21 maintenance of qualified applicants for employment for all positions in
 22 state government;

23 (b) ~~(2)~~ Personnel Records:

24 (i) ~~(a)~~ A system of records and statistical reports containing
 25 general data on all employees, including current salary levels and such
 26 other information as may be required by the operating needs of state
 27 departments and agencies and the budget division; and

1 (ii) ~~(b)~~ Standards for the development and maintenance of personnel
 2 records to be maintained within operating departments of the state
 3 government;

4 (c) ~~(3)~~ Personnel Management:

5 (i) ~~(a)~~ Minimum standards for evaluation of employee efficiency and
 6 a system of regular evaluation of employee performance;

7 (ii) ~~(b)~~ Administrative guidelines governing such matters as hours
 8 of work, promotions, transfers, demotions, probation, terminations,
 9 reductions in force, salary actions, and other such matters as may not be
 10 otherwise provided for by law;

11 (iii) ~~(c)~~ Administrative policies and general procedural
 12 instructions for use by all state agencies relating to such matters as
 13 employee benefits, vacation, sick leave, holidays, insurance, sickness
 14 and accident benefits, and other employee benefits as the Legislature may
 15 from time to time prescribe; and

16 (iv) ~~(d)~~ A system of formally defined relationships between the
 17 personnel division and departments and agencies to be covered by the
 18 State Personnel System;

19 (d) ~~(4)~~ Salary and Wage Survey: Measuring, through the use of
 20 surveys, the state's comparative level of employee compensation with the
 21 labor market;

22 (e) ~~(5)~~ Staffing Patterns:

23 (i) ~~(a)~~ Staffing patterns for each department and agency of state
 24 government that conform with those authorized by the budget division;

25 (ii) ~~(b)~~ Revisions to staffing patterns of all departments and
 26 agencies that have been approved by the budget division;

27 (iii) ~~(c)~~ Merit increases provided for any employee of the state
 28 that are the result of positive action by the appropriate supervisor; and

29 (iv) ~~(d)~~ The state's pay plan, as enacted by the Legislature,
 30 together with such amendments as may occur, is explained in appropriate
 31 handbooks for employees of the state;

1 (f) ~~(6)~~ Temporary Employees:

2 (i) ~~(a)~~ The director shall administer the Temporary Employee Pool

3 containing applicants from which state agencies can draw when in need of
4 a short-term labor supply; and

5 (ii) (b) State agencies must receive approval from the director
6 before hiring any temporary employee; and

7 (g) (7) Employee Recognition Program: The director shall administer
8 an employee recognition program for state employees. The program shall
9 serve as the authorized program for honoring state employees for
10 dedicated and quality service to the government of the State of Nebraska.

11 (2) For fiscal year 2021-22 and each fiscal year thereafter, the
12 position classification plan and the salary or pay plan shall include the
13 following positions within the Department of Correctional Services:

14 (a) Corrections corporal I, corrections corporal II, corrections
15 corporal III, corrections corporal IV, and corrections corporal V. Each
16 position listed in this subdivision shall be assigned to a different pay
17 grade within the salary or pay plan. For purposes of this subdivision:

18 (i) Corrections corporal I means a corrections corporal with less
19 than three years of satisfactory service;

20 (ii) Corrections corporal II means a corrections corporal with at
21 least three years but less than five years of satisfactory service;

22 (iii) Corrections corporal III means a corrections corporal with at
23 least five years but less than seven years of satisfactory service;

24 (iv) Corrections corporal IV means a corrections corporal with at
25 least seven years but less than ten years of satisfactory service; and

26 (v) Corrections corporal V means a corrections corporal with at
27 least ten years of satisfactory service;

28 (b) Corrections sergeant I, corrections sergeant II, corrections
29 sergeant III, corrections sergeant IV, and corrections sergeant V. Each
30 position listed in this subdivision shall be assigned to a different pay
31 grade within the salary or pay plan. For purposes of this subdivision:

1 (i) Corrections sergeant I means a corrections sergeant with less
2 than three years of satisfactory service;

3 (ii) Corrections sergeant II means a corrections sergeant with at
4 least three years but less than five years of satisfactory service;

5 (iii) Corrections sergeant III means a corrections sergeant with at
6 least five years but less than seven years of satisfactory service;

7 (iv) Corrections sergeant IV means a corrections sergeant with at
8 least seven years but less than ten years of satisfactory service; and

9 (v) Corrections sergeant V means a corrections sergeant with at
10 least ten years of satisfactory service; and

11 (c) Corrections unit caseworker I, corrections unit caseworker II,
12 corrections unit caseworker III, corrections unit caseworker IV, and
13 corrections unit caseworker V. Each position listed in this subdivision
14 shall be assigned to a different pay grade within the salary or pay plan.
15 For purposes of this subdivision:

16 (i) Corrections unit caseworker I means a corrections unit
17 caseworker with less than three years of satisfactory service;

18 (ii) Corrections unit caseworker II means a corrections unit
19 caseworker with at least three years but less than five years of
20 satisfactory service;

21 (iii) Corrections unit caseworker III means a corrections unit
22 caseworker with at least five years but less than seven years of

23 satisfactory service;

24 (iv) Corrections unit caseworker IV means a corrections unit
 25 caseworker with at least seven years but less than ten years of

26 satisfactory service; and

27 (v) Corrections unit caseworker V means a corrections unit
 28 caseworker with at least ten years of satisfactory service.

29 Sec. 2. Section 84-1601, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 84-1601 (1) There is hereby established a program of group life and
 1 health insurance for all permanent employees of this state who work one-
 2 half or more of the regularly scheduled hours during each pay period,
 3 excluding employees of the University of Nebraska, the state colleges,
 4 and the community colleges. Such program shall be known as the Nebraska
 5 State Insurance Program and shall replace any current program of such
 6 insurance in effect in any agency and funded in whole or in part by state
 7 contributions.

8 (2) Temporary employees of the state who have a work assignment of
 9 at least six months' duration and who work at least twenty hours per week
 10 may purchase health insurance through the Nebraska State Insurance
 11 Program. The state shall pay the same proportion of the insurance premium
 12 for temporary employees as is established through the collective
 13 bargaining process for permanent employees. For purposes of this
 14 subsection, temporary employees means individuals (a) employed in the
 15 Temporary Employee Pool as described in subdivision (1)(f) ~~(6)~~ of section
 16 81-1307 and (b) hired directly by state agencies. In no event shall a
 17 temporary employee mean an individual hired through a private employment
 18 agency.

19 (3) For purposes of sections 84-1601 to 84-1615, health insurance
 20 may be construed to include coverage for disability and dental health
 21 care services.

22 (4) Any commissioned employee of the Nebraska State Patrol who on or
 23 after July 17, 1986, has reached fifty-one years of age or becomes
 24 medically disabled and who will not receive benefits from the federal
 25 social security program shall be afforded the opportunity to remain
 26 enrolled in the state employees group health insurance program until age
 27 sixty-five. Employees electing this option shall be responsible for the
 28 entire premium cost, including the state's share, the employee's share,
 29 and an administrative fee consistent with that allowed by federal
 30 guidelines for continuation of health insurance.

31 Sec. 3. Original sections 81-1307 and 84-1601, Reissue Revised
 1 Statutes of Nebraska, are repealed.

Senator Wayne filed the following amendment to LB657:
 AM1860

(Amendments to Final Reading copy)

1 1. On page 2, line 17, strike "and" and insert the following new
 2 subdivision:

3 "(6) Facilitate interstate commerce by not impeding the shipment of
 4 hemp into and out of this state; and"; and in line 18 strike "(6)" and
 5 insert "(7)".

6 2. On page 5, line 16, after "cultivators" insert "and processor-

7 handlers" and after "cultivated" insert ", processed, or handled"; and in
8 line 18 after "act" insert ". The department may, at its discretion,
9 conduct other inspections of a cultivator's or processor-handler's
10 operation, including all sites registered with the department".

11 3. On page 17, strike lines 9 through 19 and insert the following
12 new subsections:

13 "(3) Any person other than a cultivator or processor-handler who is
14 transporting hemp shall carry with such hemp being transported (a) a bill
15 of lading indicating the owner of the hemp, the point of origin of the
16 hemp, and the destination of the hemp and (b) either a copy of the test
17 results pertaining to such hemp or other documentation affirming that the
18 hemp was produced in compliance with section 10113 of the federal
19 Agricultural Improvement Act of 2018, Public Law 115-334, as such section
20 existed on January 1, 2019.

21 (4)(a) The department may develop a form bill of lading for use by a
22 person other than a cultivator or processor-handler transporting hemp
23 pursuant to subsection (3) of this section for hemp originating in this
24 state. Such bill of lading shall, at a minimum, identify the transporting
25 person and indicate the owner, point of origin, and destination of the
26 hemp.

1 (b) The department, in consultation with the Nebraska State Patrol,
2 may adopt and promulgate rules and regulations regulating the carrying or
3 transporting of hemp in this state to ensure that marijuana or any other
4 controlled substance is not disguised as hemp and carried or transported
5 into, within, or through this state.

6 (c) No person shall carry or transport hemp in this state unless
7 such hemp is:

8 (i) Produced in compliance with:

9 (A) For hemp originating in this state, the requirements of section
10 10113 of the federal Agricultural Improvement Act of 2018, Public Law
11 115-334, as such section existed on January 1, 2019, and the Nebraska
12 Hemp Farming Act and any rules and regulations adopted and promulgated
13 thereunder; or

14 (B) For hemp originating outside this state, the requirements of
15 section 10113 of the federal Agricultural Improvement Act of 2018, Public
16 Law 115-334, as such section existed on January 1, 2019; and

17 (ii) Carried or transported:

18 (A) By a cultivator or processor-handler as provided in subsections

19 (1) and (2) of this section; or

20 (B) By a person other than a cultivator or processor-handler as
21 provided in subsection (3) of this section.

22 (d) No person shall transport hemp in this state concurrently with
23 any other plant material that is not hemp.

24 (5)(a) A peace officer may detain any person carrying or
25 transporting hemp in this state if such person does not provide the
26 documentation required by this section. Unless the peace officer has
27 probable cause to believe the hemp is, or is being carried or transported
28 with, marijuana or any other controlled substance, the peace officer
29 shall immediately release the hemp and the person carrying or

30 transporting such hemp upon production of such documentation.
 31 (b) The failure of a person detained as described in this subsection
 1 to produce documentation required by this section shall constitute
 2 probable cause to believe the hemp may be marijuana or any other
 3 controlled substance. In such case, a peace officer may collect a
 4 reasonable sample amount of such hemp for testing to determine the
 5 delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace
 6 officer has probable cause to believe the person detained is carrying or
 7 transporting marijuana or any other controlled substance in violation of
 8 state or federal law, the peace officer may seize and impound the hemp or
 9 marijuana or other controlled substance and arrest such person.
 10 (c) This subsection does not limit or restrict in any way the power
 11 of a peace officer to enforce violations of the Uniform Controlled
 12 Substances Act and federal law regulating marijuana and other controlled
 13 substances.
 14 (6) In addition to any other penalties provided by law, including
 15 those imposed under the Nebraska Hemp Farming Act, any person who
 16 intentionally violates this section shall be guilty of a Class IV
 17 misdemeanor and fined not more than one thousand dollars."

BILL ON FIRST READING

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

LEGISLATIVE BILL 289A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Sixth Legislature, First Session, 2019.

VISITOR(S)

Visitors to the Chamber were Lauren McNeal of Lincoln; students from Newell Elementary School, Grand Island; students from Mead Elementary School; students and teachers from Lincoln North Star High School; winners of Senator Vargas's Capitol Arts Showcase; and students from Rumsey Station Elementary School, Papillion.

ADJOURNMENT

At 12:06 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, May 21, 2019.

Patrick J. O'Donnell
 Clerk of the Legislature